Government
Publications

P-18 I

# SESSIONAL PAPERS.

VOLUME XVII.—PART III.

## SECOND SESSION OF THE FIFTH LEGISLATURE

OF THE

## PROVINCE OF ONTARIO.

*SESSION 1885.*

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No. 56.. Return of copies of Extracts, etc., from the Reports and Proceedings of the Special Committees appointed by the Imperial House of Commons in the years 1876 and 1877 to enquire whether it might be expedient to render employers liable for injuries occasioned to their servants, etc., and a copy of a letter addressed by Lord Justice Bramwell to Sir Henry Jackson, a member of said Committee, with respect to the matters inquired into by said Committees. (*Printed.*)

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No. 59.. Return shewing the number of licenses granted for the keeping of Private Lunatic Asylums for the years 1882, 1883, and 1884; the names of all persons obtaining such licenses, and the date of their issue. (*Not printed.*)

No. 60.. Return of copies of all correspondence between William Coe and the Crown Lands Department, relating to lands sold to him in the year 1883; also, for a copy of the Report of the Commissioner of Crown Lands to the Lieutenant-Governor in Council on the sale made in such year 1883; also a copy of the Order in Council confirming such sale; also, as a supplementary return presented to the House during the present Session states the terms of said sale were cash, a statement of dates of payments made on account of said sale. The above Return to apply only to lands sold in the Townships of Wollaston, Limerick, Faraday and Tudor, in the County of Hastings. (*Printed.*)

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| No. 64.. | Return shewing the number of certificates of Railway Annuities and the amounts of the same which have been either sold or exchanged for any portion of the outstanding Railway Scrip, as authorized under the provisions of cap. 31, 47 Vic.; to whom sold or with whom exchanged; the terms upon which such sale or exchange was effected, and when sold; the date of the receipt of the money therefor. Also a copy of the advertisement asking for tenders, with copies of all tenders received in response thereto. *(Printed.)* |
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No. 72.. Return shewing the lots in the Township of Harvey, in the County of Peterborough, which, while under license for the cutting of timber, have been sold since the first day of January, 1880, with a statement of the date when the right to cut timber under such license would cease in consequence of such sale. Also, the name or names of the license holders whose license covered such lands. (*Not printed.*)

No. 73.. Report of the Dairymen's Association of Western Ontario for the year 1884. (*Printed.*)

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No. 76.. Return to an Address, of the fourteenth day of March, 1884, for copies of all Orders in Council passed under the authority of the General Mining Act, creating, extending, adding to, or diminishing mining divisions. (*Printed.*)

No. 77.. Report of the Secretary and Registrar of the Province for the year 1884. (*Printed.*)

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No. 79.. Return of all correspondence between the Crown Lands Department, or any officer thereof, and any other person, with reference to the opening up for settlement of the Townships of Himsworth and North Nipissing, or any part of them, and also, of all petitions, reports or Orders in Council on the subject; also, for copies of all petitions or applications to the Crown Lands Department for a supply of timber for the purposes of a local mill there, and of all correspondence between the Department and any other person on the subject. (*Not printed.*)

No. 80.. Statement of the Assets, Liabilities, Revenue, Expenditure, etc., of the several Municipalities in the Province, as made by the Clerks of the Municipalities for the year 1883. (*Not printed.*)

No. 81.. Return of copies of all reports made to the Government by Directors of Joint Stock Road Companies for the year 1884, under sec. 146, cap. 152, of the Revised Statutes, as amended by ss. 6 and 7, cap. 25, 47 Vic., and a Return shewing the date of construction of all toll roads in the Province, the number of toll-gates maintained thereon, the rate *per* mile charged as tolls, and specifying the amount of the original capital stock, and the amount of the present stock, with the reasons for an increase, if any, in each case; also a Return shewing the toll roads which have been abolished in the Province, or on which the collection of tolls has ceased, and the manner and terms of their abolition, or the reasons why tolls have ceased to be collected. (*Not printed.*)

No. 82.. Statement in detail of the Receipts and Expenditures on account of the Mercer Estate for the year 1884. (*Printed.*)

No. 83.. Tabulated Analysis of Reports of Electoral, District and Township Agricultural Societies and of Horticultural Societies for the year 1883. (*Not printed.*)

No. 84.. Report of the Bureau of Industries for the Province for the year 1884. (*Printed.*)

No. 85.. Detailed Statement of all Bonds and Securities registered in the Provincial Registrar's Office during the year 1884. (*Not printed.*)

No. 86.. Return shewing what sums have been paid to George R. Patullo on any account whatever since first January, 1883, with the dates of the payment thereof and the purpose for which such payments were made. (*Printed.*)

No. 87.. Return of copies of all correspondence and other documents relating to the cancellation of location of lot number 33 in the first concession of Snowden, in the Provisional District of Haliburton, and of all correspondence and documents relating to the sale or re-location of the same lot. (*Not printed.*)

No. 88.. Return of all correspondence between the Municipal Council of the Township of Roxborough, or any member or officer thereof, and the Provincial Secretary, or any officer of his Department, with reference to the claim made by the License Board of Stormont upon the said Municipality for payment of fifty dollars towards the expenses of enforcing the Temperance Act of 1864 in the Township of Roxborough. Also, shewing the amount demanded from each Municipality in which the said Act was in force for each of the years 1882, 1883 and 1884, and the amount paid in respect of such demand. Also, shewing how the said sum of fifty dollars demanded from the said Township of Roxborough is made up. (*Not printed.*)

No. 89.. Report of the Inspector of Legal Offices, for the year 1884. (*Printed.*)

No. 90.. Report of the Entomological Society of Ontario for the year 1884. (*Printed.*)

No. 91.. Return shewing the several Lots in the Townships of Belmont, Methuen, Anstruther, Galway and Cavendish, in the County of Peterborough, and of the Townships of Cardiff, Monmouth, Snowden, Lutterworth and Glamorgan, in the Provisional County of Haliburton, which have been sold, located, disposed of, or applied for, otherwise than under the "Free Grant and Homestead Act," since the first day of January, 1880; also, the dates of the said sales, the persons to whom sold, the prices paid, and terms of payment; also, the dates of the several applications for the purchase, location, and terms of location of said lots. (*Not printed.*)

No. 92.. Return of the names of all persons appointed or employed for the collection of Statistics other than Vital Statistics in connection with any Department of the Provincial Government; the places of residence of such persons, the salary or other remuneration paid or given to them; the dates during which they were employed; the instructions, if any, given to such persons, and a statement shewing the cost of compiling such statistics, such Return to embrace the years 1883 and 1884. (*Not printed.*)

# REPORT OF THE COMMISSIONERS

APPOINTED TO INQUIRE INTO AND INVESTIGATE CERTAIN CHARGES OF A

CONSPIRACY TO CORRUPT

AND OF

ATTEMPTS TO BRIBE

CERTAIN MEMBERS OF THE LEGISLATURE

WITH

THE EVIDENCE TAKEN AND DOCUMENTS.

Printed by Order of the Legislative Assembly.

Toronto:
PRINTED BY GRIP PRINTING AND PUBLISHING CO., FRONT STREET.
1885.

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# IN THE MATTER OF AN INQUIRY INTO CERTAIN ALLEGED ATTEMPTS TO CORRUPT AND BRIBE CERTAIN MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO.

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## Copy of an Order-in-Council approved by His Honour the Lieutenant-Governor, the 12th day of May, A.D. 1884.

Upon the recommendation of the Honourable the Attorney-General and in view of the Address presented by the Legislative Assembly to your Honour praying that your Honour would be pleased to issue a Commission to inquire into and investigate the charges of bribery and conspiracy set forth in the statement made to the said Assembly by the Attorney-General on Monday the 17th day of March, last, and all matters and things which, in the judgment of the Commissioners, relate thereto, or affect the same, such Commission to be directed to three Commissioners who shall be Judges, and one of whom at least shall be a Judge of the Supreme Court of Judicature for Ontario, and to confer upon the said Commissioners all the powers contained or given in, or by Chapter 17 of the Revised Statutes of Ontario, being the Act entitled "An Act respecting Inquiries concerning Public Matters" or in or by any Act amending the same, the Committee of Council advise that a Commission be issued in accordance with the accompanying draft, and that the Honourable William Proudfoot of the High Court of Justice for Ontario, His Honour A. F. Scott, Judge of the County Court of the County of Peel, and His Honour Edmund J. Senkler, Judge of the County Court of the County of Lincoln be named as Commissioners.

Certified,

J. G. SCOTT,
Clerk Executive Council.

The Honourable
The Provincial Secretary.

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## FROM THE PROVINCIAL SECRETARY TO MR. JUSTICE PROUDFOOT.

Toronto, 23rd May, 1884.

Sir,—I am commanded by His Honour the Lieutenant-Governor to state for your information that, in compliance with the request contained in an Address presented by the Legislative Assembly of this Province, he has been pleased to direct the issue of a Commission under the provisions of the Revised Statute of Ontario, Chapter 17 entitled "An Act respecting Inquiries concerning Public Matters" and of 47 Victoria, Chapter 4, to inquire into and investigate the charges of bribery and conspiracy set forth in the Statement made to the said Assembly by the Honourable the Attorney-General on Monday the 17th day of March last, or any attempts to corrupt the members of the said Assembly, and into all matters and things which, in the judgment of the Commissioners, relate thereto or affect the same.

12th May, 1884.

I am further to inform you that the Commission has been addressed to Your Lordship and to Alexander Forsyth Scott, Esquire, Judge of the County Court of the County of Peel, and to Edmund John Senkler, Esquire, Judge of the County Court of the County of Lincoln.

I have the honour to transmit to Your Lordship the Commission, and to request that its receipt be acknowledged.

I also transmit herewith a copy of the Act 47 Victoria, Chapter 4, entitled "An

"Act for the amendment of the Election Law and for the better prevention of Corrupt "and Illegal Practices at Elections to the Legislative Assembly," and of "The Votes and Proceedings of the Legislative Assembly, No. 40." dated Monday 17th March, 1884, containing the Statement of the Attorney-General above referred to.

I have the honour to be, Sir,
Your obedient servant,

ARTHUR S. HARDY,
Secretary.

The Honourable,
Mr. Justice Proudfoot,
Toronto.

## FROM THE PROVINCIAL SECRETARY TO JUDGE SCOTT.

Toronto, 23rd May, 1884.

Sir,—I am commanded by His Honour the Lieutenant-Governor to state for your information that, in compliance with the request contained in an Address presented by the Legislative Assembly of this Province, he has been pleased to direct the issue of a Commission, under the provisions of the Revised Statute of Ontario, Chapter 17, entitled "An Act respecting Inquiries concerning Public Matters," and of 47 Victoria, Chapter 4, to inquire into and investigate the charges of bribery and conspiracy set forth in the statement made to the said Assembly by the Honourable the Attorney-General, on Monday the 17th day of March last, or any attempts to corrupt the members of the said Assembly, and into all matters and things which, in the judgment of the Commissioners, relate thereto or affect the same. 12th May, 1884.

I am further to inform you that the Commission has been addressed to the Honourable Mr. Justice Proudfoot, and to Edmund John Senkler, Esquire, Judge of the County Court of the County of Lincoln, and to your Honour, and that it has been transmitted to Mr. Justice Proudfoot.

I have the honour to transmit to you herewith a copy of the Act, 47 Victoria, Chapter 4, entitled "An Act for the amendment of the Election Law and for the better prevention "of Corrupt and Illegal Practices at Elections to the Legislative Assembly," and of "The Votes and Proceedings of the Legislative Assembly, No. 40," dated Monday, 17th March, 1884, containing the statement of the Attorney-General above referred to.

I have the honour to be, Sir,
Your obedient servant,

ARTHUR S. HARDY,
Secretary.

His Honour
Judge Scott,
Brampton, Ont.

## FROM HON. A. S. HARDY TO JUDGE SENKLER.

Toronto, 23rd May, 1884.

Sir,—I am commanded by His Honour the Lieutenant-Governor to state for your information that, in compliance with the request contained in an Address presented by the Legislative Assembly of this Province, he has been pleased to direct the issue of a Commission, under the provisions of the Revised Statute of Ontario, Chapter 17, entitled "An Act respecting Inquiries concerning Public Matters," and of 47 Victoria, Chapter 4, to inquire into and investigate the charges of bribery and conspiracy set forth in the statement made to the said Assembly by the Honourable the 12th May, 1884.

Attorney-General, on Monday the 17th day of March last, or any attempts to corrupt the members of the said Assembly, and into all matters and things which, in the judgment of the Commissioners, relate thereto or affect the same.

I am further to inform you that the Commission has been addressed to the Honourable Mr. Justice Proudfoot, and to Alexander Forsyth Scott, Esquire, Judge of the County Court of the County of Peel, and to Your Honour, and that it has been transmitted to Mr. Justice Proudfoot.

I have the honour to transmit to you herewith a copy of the Act, 47 Victoria, Chapter 4, entitled "An Act for the amendment of the Election Law and for the better prevention "of Corrupt and Illegal Practices at Elections to the Legislative Assembly," and of "The Votes and Proceedings of the Legislative Assembly, No. 40," dated Monday, 17th March, 1884, containing the statement of the Attorney-General above referred to.

I have the honour to be, Sir,
Your obedient servant,

ARTHUR S. HARDY,
Secretary.

His Honour,
JUDGE SENKLER,
St. Catharines, Ont.

## EXTRACT FROM "ONTARIO GAZETTE," 24TH MAY, 1884.

PROVINCIAL SECRETARY'S OFFICE,
TORONTO, 24th May, 1884.

His Honour the Lieutenant-Governor has been pleased to make the following appointments, viz:—

The Honourable William Proudfoot, one of the Judges of the Supreme Court of Judicature for Ontario, Alexander Forsyth Scott, Esquire, Judge of the County Court of the County of Peel; and Edmund John Senkler, Esquire, Judge of the County Court of the County of Lincoln, to be Commissioners under the provisions of the Revised Statute of Ontario, Chapter 17, entitled, "An Act respecting Inquiries concerning Public Matters," to inquire into and investigate the charges of bribery and conspiracy set forth in the statement made to the Legislative Assembly of Ontario by the Honourable the Attorney-General on Monday, the 17th day of March, 1884, or any attempts to corrupt the Members of the said Assembly, and into all matters and things which, in the judgment of the Commissioners, relate thereto or affect the same.

Dated at the Office of the Provincial Secretary of Ontario, this 17th day of May, 1884.

ARTHUR S. HARDY,
Provincial Secretary.

## MR. JUSTICE PROUDFOOT TO HON. A. S. HARDY.

TORONTO, 28th May, 1884.

SIR,—I have the honour to acknowledge the receipt this day of your letter of the 23rd inst., inclosing a Commission from His Honour the Lieutenant-Governor in Council to myself and Messrs. Scott and Senkler, under the provisions of the Revised Statute of

Ontario, Chapter 17, and of the Statute of Ontario, 47 Victoria, Chapter 4, to investigate certain charges therein specified.

I have the honour to be, Sir,
Your obedient servant,
W. PROUDFOOT.

The Hon. A. S. Hardy,
Provincial Secretary, Toronto.

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## JUDGE SENKLER TO HON. A. S. HARDY.

St. Catharines, 30th May, 1884.

Sir,—I have the honour to acknowledge the receipt of your letter of the 23rd instant informing me of the issue of a commission under the provisions of the Revised Statute of Ontario, Chapter 17, and of 47 Victoria, Chapter 4, to inquire into and investigate the charge of bribery and conspiracy set forth in the Statement made to the Legislative Assembly of this Province by the Honourable the Attorney-General on the 17th March, last, or any attempts to corrupt the members of the said Assembly; and that said Commission is addressed to Mr. Justice Proudfoot, Judge Scott and myself, and receiving copies of the Act 47 Victoria, Chapter 4, and of the Votes and Proceedings of the Legislative Assembly, No. 40, dated 17th March, 1884, containing the Statement of the Attorney-General above referred to.

I have the honour to be, Sir,
Your obedient servant,

E. J. SENKLER,
Judge of the County Court of County of Lincoln.

The Hon. A. S. Hardy,
Provincial Secretary, Toronto.

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## MR. JUSTICE PROUDFOOT TO HON. A. S. HARDY.

Toronto, 31st May, 1884.

*Re* The Bribery Commission.

Sir,—In prosecuting this inquiry, it will be requisite to have a place of meeting determined, and to have a clerk and a reporter appointed, and a direction given to the sheriff to attend.

Would you be good enough to acquaint me with the intention of the Government in respect to these matters, and also to whom the conduct of the inquiry on the part of the Government is committed, as it is intended to have a preliminary public meeting, shortly, to appoint a time for proceeding with the inquiry, and to regulate the mode of procedure.

I have the honour to be, Sir,
Your obedient servant,

W. PROUDFOOT

The Hon. A. S. Hardy,
Provincial Secretary, Toronto.

## MR. JUSTICE PROUDFOOT TO HON. A. S. HARDY.

TORONTO, 10th January, 1885.

SIR,—I have the honour to transmit herewith the Report of the Commissioners appointed to inquire into and investigate certain charges of Bribery and Conspiracy by a Commission, dated the 12th day of May last; and also the evidence and documents taken and used before the Commissioners.

I have also the honour to transmit a memorandum made by His Honour Judge Scott, containing his reasons for declining to give an opinion or finding as to offences proved. He did not desire this memorandum to form part of the report, but wished it to be transmitted with the other papers, to be produced if called for.

I have the honour to be, Sir,
Your obedient, humble servant,

W. PROUDFOOT,
Chairman.

The Honourable A. S. HARDY,
Provincial Secretary, Toronto.

# COMMISSION OF INQUIRY

## IN THE MATTER OF AN INQUIRY INTO CERTAIN ALLEGED ATTEMPTS TO CORRUPT AND BRIBE CERTAIN MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO.

JOHN BEVERLEY ROBINSON.

[L.S.] PROVINCE OF ONTARIO.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, etc., etc.*

To the Honourable WILLIAM PROUDFOOT, one of the Judges of Our Supreme Court of Judicature for Ontario, ALEXANDER FORSYTH SCOTT, Esquire, Judge of the County Court of the County of Peel, and EDMUND JOHN SENKLER, Esquire, Judge of the County Court of the County of Lincoln.

O. MOWAT, Attorney-General.

WHEREAS, the Honourable Oliver Mowat, our Attorney-General for the Province of Ontario, and a Member of the Legislative Assembly of the said Province, did on the seventeenth day of March, one thousand eight hundred and eighty-four, in his place in the said Legislative Assembly, state that he was credibly informed and believed that divers persons named by him, including Christopher W. Bunting, John A. Wilkinson, Edward Meek, F. S. Kirkland and one Lynch, had entered into a conspiracy to accomplish the defeat of the Government in the House, meaning thereby the said Legislative Assembly, by corrupting members of the said House to vote againt the Government and Government measures; that the first named three persons were well known and active members of the party in this Province opposed to the said Government; and that the last named two persons were American citizens; that for the purpose of corruptly influencing the votes of members of the said House, the said five persons had at divers times, during the session of the Legislature of Ontario then being held, approached several members of the said House with money, offers of money, promises of offices in the gift of the Dominion Government, and promises of other personal advantages to such members; that divers members of the said House so approached, being indignant at the criminal conduct proposed to them, had deemed it to be the fitting course on their part, and a duty to their constituents and the public, acting therein with the advice and approval of members of the Government, to seem for a time to entertain such approaches, in order to the detection, exposure and punishment of the persons guilty of making such corrupt attempts, and had in pursuance of their duty, from time to time disclosed to members of the Government the approaches from time to time made to them, and the several acts therein of the guilty parties; that among the members of the said House in regard to whom such corrupt attempts had been made, were, Mr. Robert McKim, member for the West Riding of Wellington, Mr. William D. Balfour, member for the

South Riding of Essex, and Mr. John F. Dowling, member for the South Riding of Renfrew; that in carrying out the objects of the Conspiracy, the said Wilkinson, to influence the vote of the said McKim, had repeatedly offered him money and had at length delivered to the said McKim one thousand dollars; that the said McKim, immediately on receiving the money had placed it in the hands of the Speaker of the said Legislative Assembly to be by him produced to the said House; that both the said Wilkinson and the said Bunting for the same corrupt purpose, had undertaken to pay to Mr. McKim a further sum of one thousand dollars on a future day; that the said Bunting was a party to the payment of the former sum, and to the promise to pay the latter sum for the corrupt purpose already stated; and that to secure the same corrupt object the said Wilkinson and Bunting had further offered and undertaken that the said McKim should be appointed Registrar at Edmonton in the North-West, with a salary of one thousand dollars a year; that both the said Wilkinson and the said Bunting had assured the said McKim that the Dominion Minister of the Interior had pledged to them his word that their said promise of the said office would be carried out, and that the said Bunting on his own part had pledged his word to the same effect; that for the same corrupt purpose already mentioned and to influence the vote of the said William D. Balfour, the said Wilkinson had repeatedly offered to pay, and did on the seventeenth day of March aforesaid deliver to the said Balfour the sum of eight hundred dollars in cash, and had undertaken to pay a further sum of seven hundred dollars on a future day; that for the same purpose the said Kirkland had also offered to pay to him the sum of twelve hundred dollars; that immediately on receiving the said sum of eight hundred dollars, the said Balfour placed the same in the hands of the said Speaker to be by him produced to the said House; and that to further secure the same purpose, the said Wilkinson had undertaken that the said Balfour should be appointed by the Dominion Government to a Registrarship at Regina in the North-West; that the said Wilkinson for the corrupt purpose already mentioned and to influence the vote of the said John F. Dowling, had offered him the sum of two thousand dollars cash, and to pay him a further sum of two thousand dollars at a future period; that the sum so offered to be paid down was exhibited to him by the said Wilkinson; and that there was reason to believe that other corrupt offers had been made by the said Conspirators to, and rejected by other members of the said House.

And Whereas the said Legislative Assembly did upon the said seventeenth day of March refer the said charges and matters mentioned and set forth in the said Statement of the said Attorney-General to the Standing Committee of the said Legislative Assembly on Privileges and Elections, with instructions to inquire and report thereon.

And Whereas, the said Committee, after commencing their Inquiry in respect of the said charges and matters, reported to the said Legislative Assembly that the Committee was of opinion that it would be impossible during the remainder of the then current Session of the said Assembly to fully and fairly conclude the investigation, and recommended that such steps should be taken as would secure, through a Commission composed of Judges, a full and searching investigation into all the matters and charges aforesaid.

And Whereas, the said Committee was thereupon discharged by the said Legislative Assembly from any further action or proceeding in respect of the said Inquiry,

And Whereas, the said Legislative Assembly afterwards presented to the Lieutenant-Governor of Our said Province an address praying that he would issue a Commission to inquire into and investigate the charges of bribery and conspiracy set forth in the Statement aforesaid of the said the Honourable the Attorney-General, and to inquire into and investigate all matters and things which in the judgment of the Commissioners relate thereto or affect the same, and that such Commission should be directed to three Commissioners, who should be Judges, and one of whom at least should be a Judge of the Supreme Court of Judicature of Ontario; and that the said Commission should confer upon the Commissioners all the powers contained or given in, or by chapter seventeen of the Revised Statutes of Ontario, being the Act intituled, "An Act respecting Inquiries concerning Public Matters," or in or by any Act amending the same.

And Whereas, in and by the said Revised Statute it is enacted that whenever the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of this Province, or the conduct of any part of the public business thereof, or the administration of justice therein, and such inquiry is not regulated by any special law, the Lieutenant-Governor may by the Commission in the case confer upon the Commissioners or persons by whom such inquiry is to be conducted the power of summoning before them any party or witnesses, and requiring them to give evidence on oath orally or in writing (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine, and that the Commissioners shall then have the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any Court of Law in Civil Cases.

And Whereas, by "The Election Law Amendment Act, 1884," it is enacted, that the "Act respecting Inquiries concerning Public Matters" shall be deemed to apply to any attempts or alleged attempts to corrupt the successful candidate at elections to the Legislative Assembly of Our said Province, or members of the Legislative Assembly after their election, whether such attempts were made before or subsequently to the passing of the said "The Election Law Amendment Act, 1884," and notwithstanding that the persons charged with such attempts may be liable to criminal prosecution in respect thereof, and notwithstanding that criminal proceedings against them may have been commenced or concluded, and that the Commission may be issued, authorizing an inquiry into any such attempts as aforesaid, and that such Commission need not minutely specify the particular matters of inquiry.

And Whereas, Our said Lieutenant-Governor in Council deems it expedient to accede to the request of the said Legislative Assembly.

Now Know You that we having and reposing full Trust and Confidence in you the said the Honourable William Proudfoot, Alexander Forsyth Scott, and Edmund John Senkler, Do hereby, and with the advice of our Executive Council of Our said Province, appoint you, the said the Honourable William Proudfoot, Alexander Forsyth Scott, and Edmund John Senkler, Our Commissioners to inquire into and investigate the charges of Bribery and Conspiracy aforesaid, or any attempts to corrupt the members of the said Assembly, and all matters and things which in your judgment relate thereto or affect the same.

Recorded 27th May, 1884.
John F. C. Ussher,
Deputy Registrar.

And We Do hereby confer upon you, Our said Commissioners, full Power and Authority to summon before you any party or witnesses, and require him or them to give evidence on oath orally or in writing (or on solemn affirmation if he or they be party or parties entitled to affirm in civil matters), and to produce to you, Our said Commissioners, such documents and things as you may deem requisite to the full investigation of the matters into which you are appointed to examine, together with all and every other power and authority which are in the said "Revised Statute respecting Inquiries concerning Public Matters," mentioned and authorized to be by Us conferred, or which may under any statutory or other authority be by law given to you in the premises.

And we so require you Our said Commissioners forthwith after the conclusion of such Inquiry to make full report to Our said Lieutenant-Governor touching the said investigation, together with a return of all evidence taken by you thereon.

To have, hold and enjoy the said office and authority for and during the pleasure of Our said Lieutenant-Governor.

In Testimony Whereof, we have caused these Our Letters to be made Patent and the Great Seal of Our said Province of Ontario to be hereunto affixed.

Witness, the Honourable John Beverley Robinson, Lieutenant-Governor of Our Province of Ontario, at Our Government House in Our City of Toronto, in Our said Province, this twelfth day of May, in the year of Our Lord one thousand eight hundred and eighty-four, and in the forty-seventh year of Our Reign.

By command,
ARTHUR S. HARDY,
Secretary.

## *EVIDENCE AND PROCEEDINGS BEFORE THE COMMISSION.*

OSGOODE HALL, TORONTO, July 14th, 1884

The Commission met in the lower Chancery Court-Room at twelve o'clock noon.

Present:—The Chairman, Mr. Justice Proudfoot; Mr. Judge Senkler, and Mr. Judge Scott.

Mr. S. H. Blake, Q.C., and Mr. William Johnston appeared for the Crown; Mr. Edward Meek appeared on his own behalf; Mr. Thomas Caswell appeared for Frank S. Kirkland.

## THE EVIDENCE.

CHARLES CLARKE, called by Mr. Blake, and sworn:

*Q.* You are Speaker of the Legislative Assembly of the Province of Ontario?
*A.* I am.

*Q.* And were so during the last Session?
*A.* Yes.

*Q.* Were certain papers given into your hands as Speaker of the Assembly?
*A.* They were.

*Q.* Have you got those papers with you?

*A.* I have (producing them); these were given to me by Mr. Harcourt, a member of the House and Chairman of the Committee on Privileges and Elections.

*Q.* These were all that were given to you?

*A.* These two; there are two different lots,

*Q.* Why do you keep them separate?

*A.* Because some papers were taken from the person of Mr. Kirkland and others from the person of Mr. Wilkinson.

*Q.* Just identify which were taken from the person of Mr. Kirkland and which from Mr. Wilkinson?

*A.* One letter addressed to Mr. Wilkinson was taken from the person of Mr. Wilkinson; the papers in the envelope (Exhibit A) were given to me as having been taken from Mr. Wilkinson, and these (Exhibit B) as having been taken from the person of Mr. Kirkland.

*Q.* They were given to you as Speaker?

*A.* Yes, by the Chairman of the Committee on Privileges and Elections, and they have remained in my possession as Speaker.

*Q.* And you produce them now?

*A.* In accordance with the subpœna.

*Q.* That is, three papers in "A" and five in "B"?

*A.* Yes; "C" is the enclosure in which they were both given to me.

*Q.* There were certain other papers given to yourself, were there not?

*A.* There were two letters given to me, one by Mr. Robert McKim, member for West Wellington, and the other by Mr. Balfour, another member, representing South Essex.

*Q.* Have you those papers?

*A.* Yes (producing them); this is the letter from Mr. McKim (Exhibit "D"), with ten bills of $100 each.

*Q.* This envelope "D" was given to you by Mr. McKim, and it then contained the bills that are here—ten bills of $100 each on the Bank of British North America?

*A.* Yes; these were given to me on the 17th of March last.

*Q.* Was that the enclosure?

*A.* Yes, that was the outer envelope.

*Q.* Is this your writing on it: "Received from Robert McKim on the 17th of March, 1884"?

*A.* Yes.

*Q.* And that outside envelope (Exhibit "E") was put on by you?

*A.* No, the envelope was presented to me enclosing these letters; this is the outer covering of the letter from Mr. Balfour, enclosing eight $100 bills on the Bank of British North America (Exhibit "F"), presented to me on the 17th of March.

*Q.* On the 17th of March both of these were received by you?

*A.* Yes.

*Q.* Do you recollect the hour at which you received them?

*A.* I received the one from Mr. McKim about one o'clock in the day, and the one from Mr. Balfonr about three o'clock in the afternoon.

*Q.* What did you then do with the moneys you received?

*A.* I opened the outer envelope, and I saw endorsed on the inner one the words, "This envelope is not to be opened until requested by the Attorney-General"; I was not informed of the contents of the envelope.

*Q.* So you retained it?

*A.* I retained them until that night.

*Q.* And did he request you?

*A.* The Attorney-General rose in his place and requested me in the chair to open this envelope; I did so, and found the contents as I have placed them in your hands.

*Q.* And you did with Mr. Balfour's what you did with Mr. McKim's?

*A.* Yes.

*Q.* You opened them on the same evening at the request of the Attorney-General?

*A.* Yes, opened them in the House.

*Q.* What has been done with these envelopes?

*A.* They have been in my custody; they were produced in the Police Court and also in the House before the Committee on Privileges and Elections.

*Q.* When you opened these envelopes you found the money in them?

*A.* I found the money as presented before the Commission now, with the leters as now presented before the Commission.

*Q* And they are the same bills and letters?

*A.* The same as those which I received.

*Q.* Do you know a person of the name of Wilkinson!

*A.* I am not acquainted with him personally, though I met him on a platform.

*Q.* On what platform?

*A.* A political platform—I met him at a political meeting at one time.

*Q.* Have you noticed him at the House?

*A.* I have not.

*Q.* What was the day the House first met in January?

*A.* I think it was the 13th of January, or later; I am not positive as to the date.

Mr Hector Cameron.—I was not in Court at the beginning of the proceedings, but I understand that your Honours then asked if any of the parties named in the Commission as being implicated in this matter were present or represented. I have been instructed by Mr. Foster, who has acted as Solicitor for Mr. Bunting, one of the parties in a certain criminal proceeding now pending against him, to appear and state to the Court that having been served with a notice, Mr. Foster thinks it is his duty out of respect to the Court to appear and state that although he has acted as Mr. Bunting's Solicitor in the criminal proceeding, he has no instructions to appear before this Commission; that Mr. Bunting, since the issue of this Commission, has been in England; that he has had no communication with Mr. Bunting on the subject, and that he therefore calls the attention of the Commissioners to the fact that notice of the proceedings has not been served upon Mr. Bunting, the notice having been served upon a person who has no authority to appear in this proceeding for Mr. Bunting; I do not therefore appear or take any action in the matter on Mr. Bunting's behalf; what course Mr. Bunting may take when he returns, if he returns before the enquiry is ended, I am not certain; I merely call attention to the fact that the notice has been served on Mr. Foster for Mr. Bunting, and that Mr. Foster has no authority to appear on his behalf.

The Chairman.—When the Commission met in June, suggestions were asked from the Counsel present, as to the time that would be most convenient to proceed with the inquiry. Mr. Foster was then present, and I believe Mr. Cameron also.

Mr. Cameron.—Merely as a spectator.

The Chairman.—At the meeting of the Commission in June, the best we could do was to fix the time for the investigation to begin, and we gave what we thought was ample notice. It may be, that if Mr. Bunting has not had proper notice, no action can be taken upon the report of the Commission until his return.

Mr. Cameron.—I might appear, but that grave doubts exist in my mind as to the jurisdiction of your Honours in the matter, and I have advised Mr. Foster not to appear for Mr. Bunting unless expressly instructed by him to do so, and also because an indictment is now pending against Mr. Bunting on the same charges that are at issue in this inquiry. The doubt, a serious doubt, which I have, arises from the fact that the Act of last Session. in reference to inquiries of this character, as originally published and printed, as read the third time, contains the clause in reference to these inquiries as number 45. and the subsequent clause, number 46, specially provides that the preceding sections of the Act apply only to future elections to this Assembly or to any subsequent Assembly and to proceedings therein or growing out of the same.

Mr. BLAKE.—I do not think we should have an argument upon this matter.

Mr. CAMERON.—I am not arguing. I am calling attention to a fact, and with that my functions end. This clause 46 is quite manifest as to the jurisdiction of your Honours, and this amending Act of last Session would not apply to the present inquiry. Subsequently, I am informed, another edition of the *Gazette* was issued, stating that certain clerical errors had been published in the Act, and transposing these two clauses, the transposition of which would give your Honours jurisdiction. I have therefore advised Mr. Foster not to appear for Mr. Bunting without express instructions from him, and I content myself with calling your Honours' attentions to these reasons why we do not appear.

Mr. BLAKE.—I think I may be allowed to say that my learned friends have, under protest of course, subpœnoed Mr. Gillmor, the Clerk of the Assembly, Mr. Sydere, the assistant Clerk, and Mr. Notman the Queen's Printer, no doubt to give evidence as to this clerical error, and I presumed, from these gentlemen not being present, that it had been found that it is a clerical error. As to Mr. Bunting not receiving notice, there is nothing to show that Mr. Bunting was not aware on the very day that your Lordships notified the public, that evidence would be taken on the 14th of July, and as a matter of fact, I believe his departure from this Province was at a date subsequent to that.

Mr. CAMERON.—I have stated that Mr. Bunting left this Province not only before the first meeting of the Commission in June, but before the Commission was issued and made public.

Mr. MEEK.—I take the same objection as that raised by Mr. Cameron. The witnesses Mr. Blake has mentioned as having been subpœnaed, were not subpœnaed by me. I merely mentioned their names as witnesses as to the transposition of those two clauses, and they were subpœnaed by the Crown. I have made every kind of enquiry I could make for the original bill, but I have not found it. I suppose it is on the original roll of the Assembly. It is merely a question of what the original roll contained. If it is found that the clauses have been erroneously printed in the last issue of the *Gazette* then I suppose we would have no jurisdiction.

Mr. CAMERON.—I suppose it is a question as to how the bill was read the third time by the Assembly.

The CHAIRMAN.—I think that has nothing to do with the matter. The question is how the Act appears on the Assembly roll.

Mr. CAMERON.—I wish to state that Mr. Bunting and his Solicitor have served no subpœnas and have taken no part in this matter.

Mr. W. R. MEREDITH.—I appear as a member of the Assembly. I desire to know if I can cross-examine witnesses, and the fact that persons charged are not represented by Counsel will, if your Honours will permit me to appear, throw a greater burden upon me than I expected would be the case. If therefore you determine that I can appear, I would ask, that after the cross-examination of Colonel Clarke, the inquiry be adjourned until to-morrow, in order to enable me to prepare for the examination more fully than I am prepared to-day.

Mr. BLAKE.—We have no objection to Mr. Meredith appearing, but I submit that he must appear as a Counsel for somebody interested in the inquiry. Otherwise he represents nobody, but he appears here—I do not say it offensively, as an interloper. Personally, I have not the slightest objection to my learned friend appearing, but he must appear in the way I have stated. I understand that the persons implicated can appear personally as a matter of right, or can be represented by Counsel, but no one can appear otherwise.

Mr. MEREDITH.—In reply to what Mr. Blake says, I might say that the history of the appointment of this Commission is to be materially considered. We know that this matter was originally relegated to the Committee on Privileges and Elections. As that Committe had not sufficient time to complete the inquiry, it unanimously resolved to recommend to the House that a Commission should be appointed composed of at least one Judge of the Superior Court, who could act as the Committee of the House had acted. I contend therefore that this Commission is virtually a continuation of the Committee. Now, it seems to me that the Commissioners must look at the fact that there are two political parties, and that one of these political parties is largely interested in the conduct of this inquiry, and in frustrating a full inquiry into all the circumstances. The members of the Government, whom many believe to be implicated in the acts to be investigated by the Commission, are members of that party. Now, that party, as represented by the Government, has instructed counsel to appear here. I submit that it would be extremely unfair that there should not be an opportunity for somebody representing the opposite side to appear before the Commission in order that the investigation of this matter might be made down to the bottom, and that whoever is interested directly or indirectly in the proceedings which are the subject of this inquiry should be brought to justice in the proper way. I submit therefore, in view of the history of this case, that as a member of the Assembly I am entitled here to the same privileges to which I would be entitled before the tribunal which had the matter in hand before this Commission was instituted.

The CHAIRMAN.—So far as I am personally concerned I know no party in this investigation whatever. It is an investigation directed to be held by the unanimous vote of the House of Assembly, and therefore the question of party does not come in. I shall be glad to have Mr. Meredith here, but it appears to me that he cannot appear for any political party. He may appear for any person charged, or if any person chooses to formulate a charge against any other person he may appear as representing that person; but it would seem to me to be out of the ordinary course to have him appear as representing one of the political parties in the House.

Mr. MEREDITH.—I do not put it as representing one of the political parties, but as a member of the House. That was merely an incidental expression to indicate that in my opinion the public would not be satisfied unless both sides were represented before the inquiry.

Mr. BLAKE.—I merely say that that is a very incorrect illustration. I do not appear here as the representative of any political party; I have been requested to appear as representing the Crown. Anyone connected with the inquiry in any way has a right to appear or to be represented here; but to say that each member of the Assembly is to be allowed to appear here and give his views is something unprecedented.

Mr. MEREDITH.—Perhaps the Commission will bear with me. Certain charges have been published implicating certain members of the Government, and I say that counsel instructed by that Government cannot be expected to probe these charges to the bottom, so far as their own conduct is concerned. In view of the appointment of this tribunal I contend that it would be unsatisfactory to the public that a member of the Assembly should not be entitled to be heard here. If I cannot appear here, I do not know by what right my learned friend appears here. The course which I believe was taken in an analogous case in the Province of Quebec was that the Commissioners themselves conducted the inquiry, and requested counsel to act for the different parties. I can understand that, but that counsel appointed by the Government, the members of which have to a certain extent been criminated, should conduct the inquiry, seems to me to be a course that is unprecedented and that should not be sanctioned by the Commission under any rules of which I am aware.

The CHAIRMAN (after consultation with his fellow Commissioners).—We shall all be very glad to have the advantage of Mr. Meredith's cross-examination of the witnesses, but we are not unanimous as to the mode in which that should be made. The majority of the Commissioners think that as a member of the House, and ostensibly a member of one of the parties in the House, it would not be proper to allow a cross-examination to take place by Mr. Meredith. We could not in that case refuse every other member of the House an opportunity of speaking and cross-examining witnesses. Such a course would render the prosecution of the Commission valueless, impracticable in fact. If Mr. Meredith chooses to appear for any of the parties who are charged, or if he chooses to formulate a charge for the purpose of more thoroughly probing the whole matter to the bottom, we shall be exceedingly happy to have him then appear and cross-examine unless he does so, however, we think he cannot cross-examine the witnesses.

Mr. MEREDITH.—With regard to the other point, your Honours, as to the proper counsel to conduct the inquiry—I submit whether this inquiry should not be conducted directly under your Honours' control. I do not know under what authority the counsel appear here.

The CHAIRMAN.—I do not think the Commissioners can go beyond the instructions they have received from the Government who have issued the Commission, and the instructions of the Government are that these gentlemen appear to conduct the prosecution.

Mr. MEREDITH.—May I ask whether the instructions were read at the opening of the Commision.

The CHAIRMAN.—No, they were merely instructions from the head of the department that such persons were appointed to be present to prosecute the inquiry.

Mr. MEREDITH.—I submit whether I cannot appear as well as they.

The CHAIRMAN.—They are merely instructed to appear for the Crown.

Mr. MEREDITH.—The original notice is signed by Mr. Johnston as acting on behalf of the Legislature, while the other proceedings are taken by him as acting on behalf of the Crown.

The CHAIRMAN.—I do not know what the original notice was; we are instructed that Mr. Blake and Mr. Johnston are appointed to act for the Crown.

Mr. BLAKE.—I do not want of course to appear here unless the Commission desire to have the assistance of counsel in the matter. As I understand, the course most generally followed is that those should be represented who make the charges and those against whom the charges are made. My learned friend, Mr. Caswell, appears here for one of the parties, and he can employ other counsel if he desires to do so. I understand that your Lordships have decided that there being counsel on one side, there is full liberty for the repellants to have counsel, but that it cannot be that every member of the Assembly can appear here, as that would render the proceedings of the Commission nugatory. I submit that my learned friend cannot appear here unless it is on behalf of somebody against whom definite charges are made.

The CHAIRMAN.—It appears to me there is a difficulty. I do not see how the Commission could have authority to appoint counsel for all the parties charged. We could not appoint Mr. Meredith to represent those parties charged so as to bind them.

Mr. MEREDITH.—I appear here as a member of the Legislature, and I desire that to be well understood. No doubt it would suit the purpose of my learned friends to force me into another position.

The CHAIRMAN.—Then simply as a member of the Legislature we are of opinion that you cannot appear.

Mr. CASWELL.—Supposing the names of other persons arise in the course of the inquiry in addition to those already implicated, will they have a right to be represented by counsel—Mr. Pardee's, for instance.

The CHAIRMAN.—Certainly. Anyone who appears charged with any of the acts we are investigating will have a right to have counsel.

The examination of the witness was then resumed.

The WITNESS.—I would like to correct my answer to the last question by saying the 23rd of January instead of the 13th as the date of the meeting of the House.

By Mr. CASWELL.—*Q.* How did you receive the papers said to come from Mr. Kirkland?

*A.* From Mr. Harcourt, Chairman of the Committee on Privileges and Elections.

*Q.* Have they been out of your possession since you have received them?

*A.* They have been in the safe of the Parliament Buildings under seal.

*Q.* Have you allowed them to get out of your possession?

*A.* I produced them at the Police Court, but not otherwise.

*Q.* On how many occasions?

*A.* On one occasion.

*Q.* Were they produced on any other occasion?

*A.* On another occasion I sent a messenger for them.

*Q.* What was his name?

*A.* David N. Allan.

*Q.* Once you produced them, and once Mr. Allan produced them, and these were the only times they have been out of your possession since Mr. Harcourt gave them to you?

*A.* Yes.

*Q.* Have they been open to the public, so that any one could get access to them?

*A.* They have been under seal in an envelope.

*Q.* So that no one could have access to them?

*A.* I think not. They have been in charge of myself and Colonel Gillmor, and locked in the safe, and I myself signed the envelope in which they were sealed.

By the CHAIRMAN.—It was only when they were produced in the Police Court and before the Committee of the House that they were out of your possession?

*A.* Yes. I may add that I have examined those documents this morning, and I swear that they are the same documents that were handed to me by Mr. Harcourt.

By Mr. CASWELL.—Of course you do not know where they were, of your own knowledge, before they were handed to you by Mr Harcourt?

*A.* Oh, no.

CHARLES T. GILLMOR, called by Mr. Blake, and sworn.

*Q.* You are Clerk of the Legislative Assembly?

*A.* Yes.

*Q.* And were during the last session?

*A.* Yes.

*Q.* Have you brought with you the records of the proceedings?

*A.* No.

*Q.* I thought you were subpœnaed to produce them?

*A.* I got a subpœna, but there was no direction to produce anything.

*Q.* Will you kindly get them; it was chiefly to get those papers that we called you?

*A.* What documents do you refer to?

*Q.* The various records of the proceedings of the House, showing when it met, the various times at which votes were taken, and also the return of the election petitions of which returns were made to you. Would you kindly get these as soon as you can; this afternoon, if you can?

*A.* Oh, yes.

Mr. CASWELL.—Also the Act which has been referred to.

Mr. BLAKE.—The original roll of the Election Act; have you got that?

*A.* Yes.

*Q.* Could you have those here within half an hour?

*A.* Yes.

At 1.30 p.m. the Commission took recess until 2 o'clock.

The Commission resumed at 2 o'clock.

Mr. MEEK.—I think witnesses should be called first as to the Act.

The CHAIRMAN.—I think the onus rests on any one complaining of the incorrectness of the printed record to prove that it is not correct. The Crown, I think, would be indulging in a work of supererogation to prove that the Act is correct.

Mr Commissioner SCOTT.—I think Mr. Gillmor is to produce the roll.

Mr. BLAKE.—Yes, my Lord. It was simply to expedite matters that I asked him to produce it.

ROBERT McKIM, called by Mr. Blake, and sworn.

*Q.* You were a member of the Legislative Assembly during the last session for the West Riding of Wellington?

*A.* Yes sir.

*Q*. And you have been a member of Parliament, I believe, for a considerable number of years?

*A*. Yes sir.

*Q*. For how many years?

*A*. I was elected in 1867, and I was one Parliament out, and one session of another Parliament.

*Q*. And with those exceptions you have sat continuously from 1867 up to the present time?

*A*. Yes.

*Q*. I believe you got into some difficulties in your business?

*A*. Yes, last fall.

*Q*. What was the result of your difficulties?

*A*. I made an assignment.

*Q*. And all your property by some means passed away from you?

*A*. Yes, I assigned everything for the benefit of my creditors.

*Q*. And you were, no doubt, unable to meet your obligations?

*A*. I was.

*Q*. Do you know a gentleman of the name of Wilkinson?

*A*. Yes. I know him.

*Q*. John A. Wilkinson, I believe?

*A*. Yes.

*Q*. When did you first become acquainted with him?

*A*. It was at the Algoma election last fall, up on one of the boats in the Georgian Bay.

*Q*. Did you take any part in the Algoma election?

*A*. I did.

*Q*. And did Mr. Wilkinson?

*A*. I believe so.

*Q*. On which side of politics is Mr. Wilkinson?

*A*. He talked as if he was on the Conservative side.

*Q*. Have you any reason to doubt that that is correct?

*A*. I have not.

*Q*. In going up on the boat had you any conversation with him?

*A*. Very little; merely some remarks about the island as we were passing it; we had no further conversation going up, and some person told me that was Mr. Wilkinson.

*Q*. When had you conversation that was really material.

*A*. On the boat coming down; it was then that I really became acquainted with him.

*Q*. Did you and he go into Algoma with the same object?

*A*. I believe so; he told me he was speaking there in aid of the Conservative candidate.

*Q.* He was there on the Conservative side, and you in the Reform interest, and both went up on the boat and returned?

*A.* I took the boat at Collingwood and went to the Sault, and he got off at Manitoulin Island and got on again coming back; we went up together and came down together.

*Q.* And what was the conversation between you and Mr. Wilkinson so far as it is material to the matter of the Commission?

*A.* Nothing then at all; I met him afterwards down here on the street, but there was nothing then.

*Q.* What was the first occasion of your having some material conversation?

*A.* The first time he told me about the Registrarship was going up on the train between Hamilton and London.

*Q.* About when was that?

*A.* It was during the time of the West Middlesex election.

*Q.* Do you recollect the month?

*A.* I do not.

*Q.* That was one of the elections that took place because of the member being unseated?

*A.* Yes, the present Minister of Education. It was late in the fall.

*Q.* I am told that it was in the month of December; can you say if that is correct?

*A.* It would be about that time.

*Q.* Where were you going?

*A.* I was going to Bothwell purely on my own business.

*Q.* And where was Mr. Wilkinson going?

*A.* He said he was going to take part in the West Middlesex election, and he tried to make me say I was going there also.

*Q.* He was going for his party, the conservative?

*A.* I believe so.

*Q.* What was material in this conversation between you and Mr. Wilkinson?

*A.* He commenced by saying he was going out of politics in the spring, that he was going to get a Registrarship. He had three of them in view, or rather at his disposal—Calgary, Regina and Edmonton.

*Q.* And he was going to take one or other of those?

*A.* Yes, and he was then going to take up a section of land adjacent to his place, and he was going to work the land and drive in and advance his position.

*Q.* He presented a very pleasant picture to you, and did he ask you take part in it?

*A.* Not just then. I rather supposed he was preparing something, but he did not say anything—made me no offer. He also said he had some friends who were going to invest $200,000, and he was to invest this sum for them and get a percentage.

*Q.* Did he refer to your financial difficulties?

*A.* He did not know that then. It was not made public.

*Q.* Then he made no offer to you on this occasion at all?

*A.* No.

*Q.* Simply called your attention to these facts which you have mentioned?

*A.* Yes.

*Q.* Then did he get off the train before you?

*A.* We got off together at London, had dinner together at the Western dining-room, and we parted there. I introduced him to Mr. Currie, who used to represent Middlesex. I met him there and introduced him, and then we parted.

*Q.* When was it you next saw Mr. Wilkinson?

*A.* The next time was at the Walker House in Toronto, after the House opened.

*Q.* The House opened, we are told, on the 23rd of January—how long after that?

*A.* I could not say. It was very shortly after.

*Q.* Did you ordinarily board at the Walker House yourself?

*A.* For some sessions I had.

*Q.* Had you ever met Mr. Wilkinson there before?

*A.* Yes, on that occasion when we were going up to Middlesex—I saw him on that day.

*Q.* Had he before this boarded at the Walker House?

*A.* I never knew him before.

*Q.* Just relate what passed between you in the Walker House.

*A.* The first thing he told me was that he was offered some position on the *Mail* staff, or something to do about the *Mail* office, and if he accepted he would be about there most of the winter, but he had not made up his mind to accept; and a short time after he spoke about the defeat of the Government. He commenced by saying that he understood I was in business troubles or business difficulties, and he could put me in a way that would fix me up.

*Q.* Do you recollect how many days that would be after the 23rd of January?

*A.* I could not give you the number of days; it was not many.

*Q.* Did he suggest to you any way in which he could fix you up?

*A.* Yes; he asked me to come up to his room—we sat at the same table at the Walker House—and then he opened up the conversation. He told me then that he had these offices at his disposal, and that he could get me one of them; he could get me Edmonton; Calgary he intended to take himself, for the reason that he gave as to the investment of money, and he would take a section of land there, and would prefer that.

*Q.* What was said about the defeat of the Government?

*A.* He told me repeatedly that there was no doubt about the defeat of the Government and that a Coalition Government would be formed in the interest of the Province, and it would be better for the country generally as it would work with the Dominion Government, and be better all round; and he put up his fingers and said to me, "Do you see that?" "Yes," I said. "Well, that is the number we want to defeat the Government, with the independent members." He counted on all the independent members, and if they got five more they would defeat the Government.

*Q.* As a matter of fact, would that be the case if he got the independent members?

*A.* No, I think not. It wanted one or two more.

*Q.* He stated that the Coalition Government would work in better with the Dominion Government?

*A.* Yes.

*Q.* As a matter of fact, had there been a friction between the Local and the Dominion Governments?

*A.* Yes, of course there was the Streams Bill.

*Q.* And the license question?

*A.* And the Boundary Award.

*Q.* These were matters in which there was an antagonistic view taken by the Dominion Government and the Local Government?

*A.* These were matters before the country, and we were all discussing them more or less in every election contest, at least I was.

*Q.* What further passed between you upon that first occasion?

*A.* He went on then to tell me about the Dominion Government, what they would give with these offices—what went legally with them was $300, he said.

*Q.* In what way?

*A.* I cannot just describe that; but he gave me to understand that there was $300 for some office that would be fixed up, and my expenses would be paid to Winnipeg.

*Q.* That is, you would get $300 to fit up your office, and your expenses to Winnipeg?

*A.* Yes, and $1,000 a year of salary until the fees reached $1,000, and then I would get the fees. When he made me the first offer, it was that in my case, as I needed money, they would make it $500 instead of $300. As soon as he made me the definite offer of $500 and the Registrarship, I told Mr. Pardee that he should be careful and look out and be on the watch, that they were endeavouring to defeat the Government by these means.

*Q.* What length of time passed between the first seeing of him and the second?

*A.* Not many hours. I saw him once or twice a day.

*Q.* Was that on the same day?

*A.* It might have been on the same day, but if it was not on that day it was the next day.

*Q.* And what passed between you?

*A.* He said he had seen them. He spoke of some meeting they were having, and in my case they had come to the conclusion to give me $1,000.

*Q.* Was that in place of the $500?

*A.* Yes, they were increasing it.

*Q.* Then the offer was the Registrarship, $1,000 for your expenses and $1,000 a year until the fees reached $1,000, and then you were to take the fees in place of the $1,000?

*A.* Yes, that was the offer.

*Q.* What did you say to that?

*A.* I did not say I would take it at all. I saw the Commissioner of Crown Lands again and told him.

*Q.* And he knew the offer that was made to you?

*A.* Yes. I said they were determined to defeat them, and I went back, and then I said I would not take less than $2,000. That was the first time that I named anything.

*Q.* That is, $2,000, was it, in place of the original $300, or $2,000 a year?

*A.* $2,000 instead of the $500, and then the $1,000 a year that he had offered. He said he had no authority to give that, but he would see them again.

*Q.* Up to that time had he mentioned to you who the "them" referred to?

*A.* No, not up to this time. I asked him who they were. He said, "The Opposition are somewhat similar to the Government; they have their cabinet secrets, and we cannot divulge them." I did not ask him anything further on that.

*Q.* Then did he do anything further?

*A.* He came back after seeing them, he said.

*Q.* What did he then say?

*A.* He said it would be all right—I would get the $2,000.

*Q.* What was the next?

*A.* Then we spoke of some agreement. Of course I wanted something more than his word for the fulfilment of all this.

*Q.* And you asked for an agreement?

*A.* No, he wanted to have an agreement, but he told me then that he would give Mr. Bunting's note for $5,000; but before this a little he told me he had written to the Honourable Mr. Macpherson.

*Q.* For what purpose?

*A.*—For a letter to enable him to make this appointment.

*Q.* Had you asked for that?

*A.* No, I did not think anything about it.

*Q.* That came from Mr. Wilkinson?

*A.* He gave it himself voluntarily; then one night I was going up to the House, and I asked him, "Are you going up?" and he said, "I never go up to the House for fear of any person seeing me"; then we walked up to Wellington street together, and he told me he had received a telegram from the Honourable Mr. Macpherson that the letter was on the way, and the next day, I think, he showed me the letter; then he said they would have to have an agreement binding me to vote with the Opposition and against the Government.

*Q.* It was he that suggested getting the agreement?

*A.* Yes, and this letter of Mr. Macpherson's, and the agreement, and Bunting's note were to be put in an envelope and put into the hands of a third party, and he named Mr. James Goldie of Guelph, and Mr. Bell, the manufacturer there, and he gave me my choice, and I named Mr. Goldie; he then made an agreement or an arrangement with me; these were not to pass into my hands; they were to be held by this party.

*Q*. Until you had given your vote, and the thing had been consummated?

*A*. Yes.

*Q*. Was this the letter he showed you (showing)?

*A*. That is the letter. (Exhibit G.)

*Q*. That is "Ottawa, 1st February, 1884. Dear Sir,—I have made up my mind to recommend your appointment as Registrar at Edmonton, N. W. T. Yours very truly, D. L. Macpherson. J. A. Wilkinson, Esq., Toronto." Was this memorandum on when you saw the letter first?

*A*. No, it was not; I saw him put that on himself.

*Q*. That is "I name as my appointment to the within mentioned office ——— ?"

*A*. Yes.

*Q*. You see the date there is the 1st of February, 1884, and the post mark 1st February, 1884, therefore the conversations to which you have referred must have taken place between the 23rd of January and the 1st of February?

*A*. Yes.

*Q*. Did you get the note?

*A*. No sir, I did not; he made an arrangement that I was to meet Mr. Bunting at his room in the *Mail* office.

*Q*. Was that after that letter was received?

*A*. Oh yes, he had that letter then. Well, I went according to the arrangement, to to the *Mail* building; he gave me full directions where I would find Mr. Bunting's room —Mr. Wilkinson did.

*Q*. What was the object as mentioned by Mr. Wilkinson for which you were to go and see Mr. Bunting?

*A*. To get this agreement fixed up and signed, and get the note.

*Q*. At that time had any agreement been drawn?

*A*. I saw nothing drawn up until I got to the *Mail* building.

*Q*. Did you go?

*A*. I went, and when I got to the hoist, there was a man there who asked me my name.

*Q*. Do you know who that was?

*A*. I do not; I told him, and he said, "I will show you the room you are to go to," and he took me to a room that did not follow the direction given by Mr, Wilkinson.

*Q*. And whom did you see there?

*A*. Mr. Wilkinson and Mr. Edward Meek together.

*Q*. What then passed between you?

*A*. They had an agreement drawn up, and they read it over to see if I would approve of it, and if I approved of it it was to be re-written.

*Q*. Did Mr. Meek state who he was.

*A*. Mr. Wilkinson introduced him to me as a solicitor; he had a law office there.

*Q.* Was it said he held any office with reference to the Conservative party, or was he simply introduced as his solicitor?

*A.* I do not think he did then.

*Q.* Then what passed?

*A.* After going over the agreement they went on to re-write it.

*Q.* Where is the agreement?

*A.* I do not know; I never saw it afterwards.

Mr. BLAKE.—*Q.* Have you that agreement, Mr. Meek?

Mr. MEEK.—*A.* No, I have not.

The WITNESS.—Then the $5,000 note was produced.

*Q.* Did you ever get that?

*A.* Never got it; it was signed by Mr. Meek and Mr. Wilkinson.

*Q.* Anything else?

*A.* Mr. Wilkinson told me Mr. Goldie would not hold those papers, that he had seen his son, and that he would not agree to hold them.

*Q.* Was this agreement signed?

*A.* No.

*Q.* Do you recollect what its terms were?

*A.* It was a pretty lengthy agreement, and was to the effect of binding me to vote against the Government and with the Opposition.

*Q.* Did you sign that?

*A.* I did not.

*Q.* What was the reason of your not completing the arrangement and signing that agreement?

*A.* When he produced this note I turned to Wilkinson and said that was not the agreement I had with him, that it was Mr. Bunting's note that was to be put up and not Mr. Meek's.

*Q.* What did he say to that?

*A.* Mr. Wilkinson represented Mr. Meek as being good.

*Q.* And I suppose Mr. Meek represented Mr. Wilkinson as being good, and they were both to the note?

*A.* Yes, and they were urging me on to sign the agreement, and saying that the thing would be carried out without fail, as far as they were concerned, they would carry it out; of course this note was in the event of my not getting the registrar office; if I got that, this note was to be done away with.

*Q.* So that it was to be a guarantee that you should get either the registrarship and the $2,000, or the note?

*A.* Yes.

*Q.* Therefore it was a matter of moment to you to get a note that was not represented simply by a piece of paper, but with some good name at the bottom of it?

*A.* I wanted to see the name of the party who he told me would sign the note, Mr. Bunting; I turned round then and said I would not sign the agreement and would not carry out my part of it.

*Q.* That was the reason—that the name of Mr. Bunting was not to it, and you determined not to carry out your part of the agreement?

*A.* Yes, that was the reason.

*Q.* Did anything else take place there?

*A.* Yes, Mr. Wilkinson told me that Mr. Goldie would not hold the paper, and he asked me if I knew any Conservatives in Toronto; I said not many; he asked me if I knew the Mayor; I said I did not; then he named some others, Mr. C. J. Campebll, the Deputy-Receiver-General, and I think Mr. Coatsworth, but I am not sure; I said I thought Mr. Campbell would do, and Mr Wilkinson said he was a brother of a Minister at Ottawa, and he thought he would not act; I insisted seeing Mr. Bunting, and Mr. Meek said he would go out and see if he could find him; he came back and said he had telephoned and that he was lunching with Mr. Meredith at the Queen's Hotel, and could not keep his appointment; but they said he would not sign the note.

*Q.* Did you remain any longer after that?

*A.* A short time; Mr. Wilkinson said he would see Mr. Bunting during the afternoon, and he would let me know at supper whether we could have a meeting that night; he wanted me to meet Mr. Bunting; he was anxious to see this thing closed. They were both anxious that I should close up the bargain.

*Q.* You arranged to see Mr. Wilkinson at supper?

*A.* Yes, and I did see him and he told me Mr. Bunting would meet me at his room at ten or half past ten. It was on the night the Speaker gave his first dinner.

*Q.* Where were you to meet him?

*A.* In Mr. Bunting's room at the *Mail* office.

*Q.* And did you go there?

*A.* I went there; he was on the upper flight above the room when I got there, and there was some party in the room off Mr. Bunting's, writing; I asked for Mr. Bunting and he said he had gone upstairs and would soon be down; then this gentleman went to the tube and called him down, and he came down and met me in the room at the door; he commenced to talk about the defeat of the Government, and the forming of a Coalition Government; I had not met him before, but we named each other at the doors

*Q.* You had never been introduced to him?

*A.* No, and did not know him by sight.

*Q.* He understood what you went for?

*A.* Yes, it appeared to me he did.

*Q.* Except to Mr. Wilkinson and Mr. Meek had you mentioned the fact that you were going to meet Mr. Bunting that evening?

*A.* Yes, I told the Commissioner of Crown Lands.

*Q.* Anybody else?

*A.* I think Mr. Fraser, but I would not be sure.

*Q.* But beyond these you told nobody that you can recollect?

*A.* No.

*Q.* So that it must have been either Mr. Pardee, Mr. Fraser, Mr. Wilkinson or Mr. Meek through whom Mr. Bunting was aware that you were to have a meeting that evening?

*A.* Yes, I did not tell anybody else.

*Q.* What was the next matter that was spoken of?

*A.* We talked about an hour.

*Q.* Was it suggested by Mr. Bunting in what way the change was to be brought about?

*A.* He wanted to have a Coalition formed—that there was nothing wrong about Mr. Meredith seeing one or two members supporting the Government in order to get a Coalition formed, and if he was in Mr. Meredith's place, if he could not see them in any other way, he would invite them out to dine with him, and would approach them in that way, and we talked about the men he could get from the Government side.

*Q.* Whom did he mention?

*A.* In the first place he spoke of those on the Opposition side who were to be in the Coalition Government; he first spoke of Mr. Meredith as the leader; he said he did not approve of him altogether as a leader, that he was weak at times and was not quite firm enough, but he was the best we had; then he spoke of Mr. Morris, and he did not approve of him at all; he said his health was not good, and he had to take a little wine, and sometimes he was afraid he took something a little stronger; this evidence I was going to give in the Police Court, but some one stopped me; then he went on to Mr. Creighton, and he said he was the best man we had got; and then the other party on the Opposition side was to be taken from outside; he was to be a Roman Catholic, and a Barrister in good standing who was not in the House then; then he said "You know them best on the other side of the House;" I then spoke of Mr. Harcourt, and then I said I thought it would be well to have a good strong party to go to the farmers with, and I named Mr. Drury, and he said if he was Mr. Meredith he would invite them out to dine; he said there was nothing corrupt in that.

*Q.* In winning them into a Coalition Government?

*A.* The wine was only mentioned in connection with Mr. Morris; then I looked at my watch and said, "it is getting late, I must go;" we had not touched on this matter of business yet; then he said, "I understand that you and Mr. Wilkinson and Mr. Meek had a meeting and some arrangement;" I said we had; I went over part of it, and I took good care that I left nothing unsaid before him which had been said then and what Mr. Wilkinson said about his note; he said owing to the position he held in the *Mail* and towards the Dominion Government, he could not sign any paper, but he would pledge his honour, and he reassured me there over and over again that whatever agreement I made with them would be fully carried out, that Mr. Meek especially was a man of honour, and he would see it carried out, Mr. Bunting would; he also said that Sir John never went back on his friends and that I would be well taken care of.

*Q.* And you asked him for the agreement in writing?

*A.* No, he refused one; I did not ask him for anything.

*Q.* Did you tell him the fact that there was to be put in an envelope, Mr. Macpherson's letter and the agreement?

*A.* Yes, he understood that.

*Q.* And he said that owing to his position with the *Mail* and the Dominion Government he could not put his pen to paper?

*A.* Could not sign a paper, but would pledge his honour that he would see it carried out.

*Q.* Was anything said about Mr. Lyon on that occasion?

*A.* Yes; a protest had been entered against Mr. Lyon; Mr. Wilkinson and myself had talked about Mr. Lyon's protest before that; Mr. Wilkinson asked me how I thought I could influence him.

*Q.* At which interview was that?

*A.* At the Walker House; there was a protest entered against Mr. Lyon's election, and I was to go up and see about it.

*Q.* Who spoke first about that?

*A.* I think it was Mr. Wilkinson; then it was gone over again in Mr. Meek's room in the *Mail* building.

*Q.* What was said about that protest?

*A.* In Mr. Meek's room, Mr. Meek said he was the Solicitor for the Petitioners, and they could easily get the petition dismissed if Mr. Lyon would vote with them; Mr. Bunting also spoke of it in his room; he said that Mr. Meek was Solicitor, and there would easily be something found in the petition by which they could get it withdrawn, that there would be no object in having the petition hanging over his head if he was voting with them.

*Q.* Did they say what Mr. Lyon was to do if this petition was to be dismissed?

*A.* Yes, he was to vote with them.

*Q.* And why did they come to speak to you about Mr. Lyon?

*A.* Mr. Wilkinson was asking my advice on several occasions as to whom I thought he could influence or I could influence to get any other person; his mode was when they selected a man, they did not set half a dozen on the track, but set one man after him; it was then I made up my mind to run myself on my own track, and I wanted to see what he could do.

*Q.* So he let you into that much of the secret of his mode of operating, which was no doubt a very good idea; then did you say anything to him about Mr. Lyon, or who could influence him?

*A.* I was to see him myself and ask him if the petition was withdrawn would he vote.

*Q* That was one office Mr. Wilkinson commissioned you to undertake?

*A.* Yes.

*Q.* Was anything further said by Mr. Bunting as to Mr. Lyon than what you have mentioned?

*A.* Yes, a good deal; we had two hours' conversation; we were an hour talking Coalition before we commenced business, and then we talked another hour or so.

*Q.* Up to that point do you recollect whether any vote had been taken on the address?

*A.* I think not; I am not sure, but I think not; he gave me to understand that they were delaying the vote on the address, and that was one reason why they were hurry-up the matter.

*Q.* And that was one reason why he wanted you to complete your agreement with him?

*A.* Yes: but when the vote came, I paired, for I did not vote.

*Q*. However, he had said that he was anxious that this should be completed before the vote was taken on the address?

*A*. Yes, on several occasions; up to that time, he told me the vote was to be taken on the school book question; he said that was what they intended to defeat the Government on; and after that, when they arranged the attack the second time after coming back from Ottawa, he told me it was to be on the timber policy.

*Q*. Then did he mention any other person that he would like you to see or influence besides Mr. Lyon?

*A*. Yes, he spoke of Mr. Badgerow. I gave as a reason that I did not know Mr. Badgerow; that he did not move in the same circle; that he was a lawyer.

*Q*. Did he suggest any one else?

*A*. Yes; he named Mr. Laidlaw, and I said I did not think I could do anything with him. He told me he had other means.

*Q*. Of operating with him?

*A*. Yes; and he told me he had a man after Mr. Badgerow, and that they knew his price, and they were going to get him. He also spoke of Mr. Hart, of Prince Edward County; they knew his price; that a thousand dollars would take him, but that they would be driven into the last ditch before they would pay him a thousand dollars; that he was too fond of money; that it did not cost that to elect him, and that they would not give it; but he said they had a man after him.

*Q*. After this interview in the *Mail* building when was it that you next saw any of these gentlemen?

*A*. It would be more than two weeks before I saw Mr. Wilkinson again.

*Q*. At what period of the interviews was it that Mr. Wilkinson went down to Ottawa?

*A*. When we parted after I saw him at the *Mail* office I was to see him that night or the next morning, and let him know the result of the interview between Mr. Bunting and myself. I did not see him that night, as it was pretty late, but I saw him the next morning, and I told him that Bunting had refused to sign the note and I would not sign the agreement. He wanted me to finish the business up that morning, as he was going east. Then he said, "If you decide to accept you can wire me at Cobourg."

*Q*. Did he go to Ottawa in the meantime?

*A*. Yes. When he came back I saw him at the Walker House at tea, and he asked me how things were getting on. I said not very well; and he said, "These people here do not know how to carry on a thing like this." I said, "No; nobody knows like yourself." He asked me up to his room, and he told me then that he had seen some members of the Government in Ottawa, and he named one of the Deputies of a Department, and he mentioned this letter from Mr. Macpherson, and I said I thought that meant his appointment, no one else's; and he said, no, it gave him the power to make the appointment; but he wanted me to stay in the House to support the Coalition. I said I did not think I could stay in the House and hold an appointment from the Dominion Government at the same time. However, he discussed the matter, he said, in Ottawa, and he found that I was right; but that he would get legislation at Ottawa to enable me to hold my seat and vote here. He told me he was at Ottawa and saw them.

*Q*. That was about two weeks after the other interview—upon his return.

*A*. Yes.

*Q* Did anything else pass between you in regard to these matters?

*A*. He wanted to renew the whole thing much more vigorously than at first, from the way he acted. He was very anxious then, and he came down one day and said to me, "Our fellows got a very bad scare." I said, "What is the matter now?" and he said "Some leading Grit on your side of the House told one of our people that you are putting up this job, that you wanted to catch us;" and he said, snapping his fingers, "They are off in all directions; they got a bad scare."

*Q.* About what date was that?

*A.* I cannot give you the dates. It was getting on pretty well in the session.

*Q.* How long would that be before you handed in the envelope to the Speaker?

*A.* It was some time; a week or ten days at any rate.

*Q.* Whom did he mention that were all off?

*A.* Those parties we were meeting; but he said he rallied them again. He said he told them there was no truth in it, and he got them together again.

*Q.* After that interview, when next did you see Mr. Wilkinson?

*A.* I met him every day; sometimes twice or three times a day.

*Q.* Can you tell what was the talk or discussion at any of these meetings?

*A.* I told him then there had been an American here making better offers than he was. He asked me who he was and what offers. I said I believed he would pay $3,000 for a vote.

*Q.* Who was the American?

*A.* Mr. Kirkland. I had seen him in the meantime.

*Q.* Had he called upon you in the meantime?

*A.* Yes, several times.

*Q.* Was that before or after this scare?

*A.* Before.

*Q.* Will you go back, and tell us the first interview you had with Mr. Kirkland?

*A.* He used to come around the Walker House in the beginning of the session.

*Q.* Did he board there?

*A.* He boarded at the Rossin House, but he used to come down there inquiring for Mr. Lyon or some one. I think it was Mr. Lyon introduced me, and he spoke this time. He told me he had timber lands on the American side of the Pigeon River, and he wanted to get timber on the Canadian side; that he had bought some lands, but he wanted the timber; that he saw Mr. Pardee, and he could not get the timber. I said I did not understand the matter, but I would see Mr. Pardee. But I did not see him in the meantime.

*Q.* Was this first talk with Mr. Kirkland before or after Mr. Wilkinson returned from Ottawa?

*A.* Before he returned. Finally Mr. Kirkland said I need not see Mr. Pardee; that he had got several to see him and they could not move him; that one or two members of the House—he did not name them to me—had kept Mr. Pardee from changing his policy; and he told me he was prepared to pay Mr. Pardee from $15,000 to $20,000 privately if he would sell him this timber, but he said there was no use of talking, that he would not do it. But he said he had seen Mr. Meredith, and after talking the matter over to Mr. Meredith, that Mr. Meredith had asked four or five days to consider the matter, and that at the end of that time he went back to see Mr. Meredith, and he told him he would bring it up in the House, that it was good policy and good for the country.

*Q.* That was the timber policy that Mr. Kirkland approved of?

*A.* Yes. Then I told Mr. Wilkinson about this Yankee, and the next time he came back he said they had looked up the Yankee and there was nothing in him, and they had determined to make him a scapegoat. They were not going to have him coming back claiming the timber, saying that he was the means of defeating the Government.

*Q.* What was the reason of them claiming the timber?

*A.* He said, "We will want this timber to divide up amongst us." They wanted it of course to divide up.

*Q.* Then did you see Mr. Kirkland after that?

*A.* Oh, yes, I saw Mr. Kirkland several times; he told me he had seen Meredith, and Mr. Meredith knew of his policy.

*Q.* Did Kirkland at any time make you any offer?

*A.* Yes, he wanted me then to go in with them, and vote with them. I said it was worth a couple of thousand dollars. "Yes," he says, "and I will give you another thousand on top of it if you go in with us."

*Q.* When you speak of voting, did he say to vote with whom?

*A.* On the timber policy.

*Q.* To vote on the timber policy with the Opposition?

*A.* Yes.

*Q.* What did you say to that; he made you an offer of $3,000; did you close?

*A.* No, I did not close anything. I did not say I would accept, or anything of the kind.

*Q.* You said it would be worth $2,000, and he said he would put another thousand on top of it, and that was the end of the conversation?

*A.* That was the end of that.

*Q.* Did you see Mr. Wilkinson again in regard to this matter?

*A.* I saw Mr. Wilkinson again, and it was about the time or coming near the time when they got the money, and he put up three fingers that way (witness illustrates), and he says, "Do you see that?" "Yes." "Well," says he, "that is what you will get; you will get three thousand one-dollar bills: you will get them in one-thousand-dollar bills—three of them.

*Q.* When you say it was about the time they got the money, what have you reference to?

*A.* I do not believe he had the money up to that time; I am only judging from other little circumstances.

*Q.* What makes you think that he did then get the money?

*A.* Well, it was about that time that this money, these thousand-dollar bills were changed—in the evidence I saw after—changed into five-hundred-dollar bills and one-hundred-dollar bills.

*Q.* So that at that time he said that they had gotten the money, and that you would get the three one-thousand-dollar bills of the money?

*A.* Yes.

*Q.* Anything further?

*A.* Then he began to figure a little closer after that, and wanted me to take $1,500.

*Q.* Was that on the same day?

*A.* About the same; the next day I think it was.

*Q.* Why was it that he wanted you to come down from the $3,000 to the $1,500!

*A.* I do not know that he just gave a reason, but it appears to me that he had not as much as he pretended he had at first; I think he wanted to cover up the American's bid, and then he wanted to get it down to the $1,500.

Commissioner SENKLER.—*Q.* Who was this?

*A.* Mr. Wilkinson. I was to get the registrarship as well.

Mr. BLAKE.—*Q.* When was this last conversation that you have been speaking of, when Mr. Wilkinson made the offer?

*A.* It was after Mr. Kirkland made the offer.

*Q.* Was it Wilkinson who held up his fingers?

*A.* Yes, Wilkinson held up three fingers.

*Q.* And said that it was that that you would get.

*A.* Yes.

*Q.* Then after that offer or statement of Wilkinson, did Kirkland make you any further offer?

*A.* Nothing further.

*Q.* Then after the occasion of the holding up of the fingers, and saying that is what you would receive, how long after that did you see Wilkinson again upon the matter?

*A.* Shortly after, probably the next day or so; we met every day.

*Q.* What was it then that occurred between you?

*A.* Well, I agreed to take the $1,500.

*Q.* He beat you down from the $3,000 to the $1,500?

*A.* To the $1,500; then I agreed to take the $1,500, and to get the other $500 when I got the office; I was to get the office about the 10th or 12th of May.

*Q.* About the 10th or 12th of May; would your session then be over?

*A.* Oh, yes; the session was supposed to end about the beginning of March.

*Q.* Did anything further pass than simply the statement that you would get the $1,500?

*A.* Well, I think about that time, or not far from that, I met Mr. Bunting in the House. I was up at the House one evening, and Mr. Wilkinson sent for me by some person, I do not just remember who came, and told me that Mr. Wilkinson was at the Walker House and he wanted to see me, and I went down, and he asked me to take a letter. He said he would not go up about the House himself, but to take the letter up to Mr. Meek; he was in the House. I said I did not know as I would know him amongst others in the House. "Well," he said, "get Mr. Creighton to hunt him up for you." I went up to the House and sent one of the pages to Mr. Creighton, and he hunted up Mr. Meek, and I gave one of them the letter I got from Mr. Wilkinson. I met Mr. Bunting just at the same time, and we shook hands and spoke, and towards the front door (the Speaker's door) we commenced talking something about it, and I said, "They will hear us here;" and we walked out on the front and out on Front street, and up Front street, and walked up and down there some time.

Commissioner SENKLER.—*Q.* Who did?

*A.* Mr. Bunting and myself, and talked the whole matter over again of the Coalition, and he renewed the promises as to pledging his honour and his word that everything would be carried out.

Mr. BLAKE.—*Q.* Did you go into the particulars of the offer, that is to say, as to the $1,500 and the $500?

*A.* Yes, and spoke of the American's offer; and he said he would help me to get all I could out of the American; that I needed it; that I deserved it, for I was giving them good assistance; and I had been unwell before, I was sick, and he said, "Your business is preying on your mind and your health is failing; we will walk up this street:" that was up on the south side of the building; it was not so cold; we went up and down there; I suppose we spent pretty near an hour there talking; he spoke of my business; he went over the same ground again, promising and assuring me that everything they could do for me would be done; Sir John never went back on his friends: they would take good care of me, and I would get all that was promised.

*Q.* Then what next?

*A.* Then I met Mr. Wilkinson after that at the Walker; he fixed the time that they were to pay me the money, the $1,500, and came and said I was to go to his room, they were all ready now. He brought me up to his room, and when he opened the door and went in there was a gentleman standing there. He introduced him to me, or me to him, as Mr. Lynch from Michiga. He said, "Now I will leave you, and you can do your own business." He took out a large envelope.

CHAIRMAN.—*Q.* When was this, in Wilkinson's room?

*A.* In Wilkinson's room in the Walker House. He took out a large envelope with something written on the back in the shape of a bet; I read it over; something about betting; I think about Dr. Dowling; it was evident to me they took out Dr. Dowling's envelope; it was betting that Dr. Dowling would not vote with the Opposition; I said, "I will not have anything to do with any betting arrangement, I prefer cash;" and he pulled out the money and showed me a pile of bills. I do not know how many was in it, but I know the top one was a hundred-dollar bill, and like the ones I did receive, and he said to me, "We will put these up in this envelope and you can seal it." He said, "Do you know Mr. Meek?" I said I did know Mr. Meek. "Very honourable man," he said. "Yes for anything I know of; I do not know of anything to the contrary." Says he, "He is my solicitor; we will put this into his hands until this is carried out;" and I said, "No, I will have nothing to do with this kind of arrangement: it was not the arrangement that I had made." He says, "I have nothing to do with that, and I do not know anything about that; that these were his instructions, and he was going to carry them out," and I determined to leave the room.

CHAIRMAN.—*Q.* Who was this?

*A.* Lynch.

*Q.* Had Wilkinson left?

*A.* He left the room immediately after he introduced me. I was going out, and he was trying to persuade me to go into his way of it; I refused to do it and left, and on going to the door I met Wilkinson and Dr. Dowling at the door; then I saw the American after this, and he expressed his sorrow that we had disagreed—Wilkinson and myself—that we had parted; he said, "Now, will you take $750?" that was, he would get Wilkinson to give me $750: I said, "No, he pared me down from $3,000 to $1,500, and it is too small a thing to pare it much in this kind of way;" so Wilkinson came back and wanted to know if I would not take $750. I said, "No, I will not." So he said, "I am afraid I cannot do any better, but I will see," and he came back again and said, "Will you take $1,000 and trust me for the $500?" I said, "I will trust you for the $500 and take the $1,000;" so he said, "I will have it for you to-morrow night;" that was Saturday night, and I saw Lynch; the man that he told me was Lynch; I went into the Walker and looked around before that; pointing out Mr. Bunting; so I went up to Wilkinson's room, and Wilkinson said Lynch had taken away the money, but he would have it the next day.

Mr. Blake.—*Q.* He had given you an offer of $1,000, and said you would have it on Saturday, and on Saturday he said Lynch had taken away the money?

*A.* Yes, but I would have it on Sunday, the next day. On Sunday morning, after breakfast I laid down on the bed and was sleeping, and he came up and rapped at my door, and I told him to come in; the door was not locked.

*Q.* Who came in?

*A.* Wilkinson came into my room; he said to come down to his room, that he was ready now to close up the matter.

*Q.* What day was this?

*A.* Sunday; so he handed me out this roll of bills, and told me to count them; I counted them and there were ten one-hundred dollar bills. I put it on the small dressing table in the room, and he pulled out this document called the "Round Robin" and asked me to sign that. I had seen the document before and read it. I signed it, and after dinner I went up to see if the Speaker was about the House, and he was gone home. I met three of the members of the Government and I told them, and so I put it in the envelope, wrote a note with it, and on Monday I gave it to the Speaker.

*Q.* Was that the note (Exhibit D)?

*A.* That is the note.

*Q.* And that the envelope?

*A.* That is the envelope.

*Q.* And this is the other envelope that was outside?

*A.* Yes, on the outside; that is the note I wrote to the Speaker. Those are the ten (produced); that is the colour of them at any rate.

*Q.* You handed the same bills in?

*A.* The same bills I received from Mr. Wilkinson I handed them in to the Speaker.

*Q.* What day of the month was the Sunday?

*A.* I do not know. He told me that Mr. Meredith was going to move this resolution on Monday night, and he wanted to have this matter closed up.

*Q.* Who said that to you?

*A.* Wilkinson.

*Q.* Was that before or after you had received the $1,000?

*A.* Before. They were going to move in that matter on Monday night

*Q.* Was this on the Saturday or the Sunday he said this to you?

*A.* Well, he repeated it to me two or three times during that week.

*Q.* He repeated to you two or three times that they were going to move the resolution some time on Monday?

*A.* Some time on Monday.

*Q.* And, therefore, that they wanted this matter closed?

*A.* Yes.

*Q.* He repeated that several times?

*A.* Oh, yes, several times! On several occasions when I saw him he could tell me what was going on in the House just as well as I could. He had been down at the Queen's, he said, and saw some parties.

The CHAIRMAN.—*Q.* The letter is dated 17th March, that was Monday morning; I suppose the money was paid the day previous?

*A.* The day previous.

Mr. BLAKE.—*Q.* Did you ever see this "Round Robin" again?

*A.* Never saw it after I signed; when I signed Mr. Lyon's name was on it; I saw it before I signed it; he showed it once or twice to me before I had read it, and I saw Mr. Lyon's name on it before I signed it.

Mr. BLAKE.—*Q.* It was on Sunday you signed it?

*A.* It was on the Sunday I signed it; it is the only document I signed; he told me as to the object he had in view in getting that, that it was to show to others (Mr. Harcourt, for instance), that we were ready to go with them, and he wanted to show it.

*Q.* That was part of their scheme to procure what they desired?

*A.* That is what he told me.

*Q.* Have you seen this Mr. Lynch since, and do you know who he is?

*A.* I never saw him since, himself in person; when I was examined before the Grand Jury I saw his photograph.

*Q.* Do you know who he really was—the person who assumed the name of Lynch?

*A.* The photograph I saw purported to be Stimson.

*Q.* Had you known a person of the name of Stimson?

*A.* Never knew him; never knew either; but it was said to be Stimson, and it was the same party that wanted me to take the money, was the same photograph I saw.

The CHAIRMAN.—*Q.* The photograph you saw was the photograph of the person you knew as Lynch?

*A.* Yes, there it was represented to me as being Stimson.

Mr. BLAKE.—*Q.* Did you see Wilkinson on Sunday after you received the money from Lynch or Stimson?

*A.* It was from Mr. Wilkinson himself that I received the money; he told me that he would have the money on Saturday night, and when I saw him on Saturday night he said that Lynch had taken away the money; it was himself gave it to me.

*Q.* On Sunday did he mention where he had gotten the money?

*A.* No, he did not mention to me where he had got it.

*Q.* He had the money?

*A.* Yes, and he gave it to me; he told me Saturday night that Lynch had taken away the money, and I saw Lynch in the Walker House on Saturday night.

*Q.* Did you and Mr. Lyon meet Mr. Wilkinson at any time?

*A.* Oh, yes, we met! I spoke to Mr. Lyon about the protest, and he would vote with them, he said, provided it was not going to defeat the Government; he did not want the Government defeated, but he approved of their timber policy, and if they would withdraw the protest he would vote; so I introduced him to Mr. Wilkinson, or at least we met together. He told me he did not like Mr. Lyon very much, did not like his laugh; but, however, before he would be beat he would take him in; he had some doubt about him.

Commissioner Scott.—*Q.* Who told you that?

*A.* Mr. Wilkinson; he said also on that occasion he would be driven into the last ditch before he would take him, but however they met, and Mr. Lyon did not laugh very much.

*Q.* Mr. Blake.—He curbed that?

*A.* He agreed that they would withdraw the protest; afterwards Mr. Meek came around; he was in the Walker House in Mr. Wilkinson's room, and he appeared to be a little indignant about the withdrawal of the petition; that he had control of that.

*Q.* Who appeared to be indignant?

*A.* Mr. Meek.

Q. Was he untrue to his name; what did he say?

*A.* He said that neither Mr. Bunting or any other person had control of that, that he had control of that; so after he left he told me he would see to that, he would see that Meek would not be so haughty again, or something to that effect; that he would clip his wings; so when Meek did come back I saw him at the Walker House and he came up and shook hands with Lyon and myself on the sofa in the reading room. He said that he did not understand the matter rightly, but that the petition would be all-right, it would be withdrawn.

*Q.* He had fresh light?

*A.* Yes, and it would be withdrawn.

The Chairman.—*Q.* What did Lyon propose to do; vote against the Government on the timber policy?

*A.* Yes, vote against the Government on the timber policy if the protest was withdrawn; if he was sure it was going to defeat them he would not like to do it.

Mr. Blake.—*Q.* Had you any further interview with Mr. Wilkinson in the presence of Mr. Lyon, or was that the only one?

*A.* We had one or two, but it was all to the same effect, he was to get the petition withdrawn.

*Q.* He was to get the petition withdrawn?

*A.* One time he was to get some money, I think, but I do not know how much. I told Mr. Lyon he could make his own agreement as to that; I introduced him and told him he could make his own agreement as to the withdrawal of the petition; Mr. Bunting also assured me that the petition would be withdrawn.

*Q.* Was Dr. Dowling's name mentioned at all?

*A.* Yes, there was a protest in his case.

*Q.* Did anything pass between Mr. Wilkinson and you as to that?

*A.* Yes, they would withdraw the petition if he would vote with them, and they had a conversation, I believe, about the money matter. I introduced them and the petition was to be withdrawn, and he told me they wanted his seat, that this outside man that was going to get into the Cabinet, that they were going to run, both Bunting and Wilkinson told me they wanted that, and they would do some better for him on that account, on account of wanting the seat.

*Q.* They wanted him out to get the Roman Catholic matter in?

*A.* Yes, that was the understanding, so I introduced them and then allowed them to do their own work after.

*Q.* Do you know whether anybody else had been down to Ottawa with Mr. Wilkinson and Mr. Meredith?

*A.* Mr. Bunting told me he was down.

*Q.* These three had been down in the meantime—anybody else?

*A.* I do not remember, but Mr. Bunting told me himself he was down and that they asked him—some members of the Dominion Government—why they had not this Government defeated. He said they had not the power, and they said they would give him the power, and I did not understand exactly what he meant, but they would give him the power, and he was now prepared to go on. He told me that on the street.

*Q.* Mr. Bunting?

*A.* Yes.

*Q.* That they had not the power, and they had gone down to get the power, and they were going on to carry it out?

*A.* Yes.

*Q.* It was after that you received the money

*A.* It was after that I received the money.

*Q.* Was Mr. Kirkland present on any of the occasions that you saw Lyon?

*A.* I think Mr. Kirkland was;—yes, he was sometimes.

*Q.* When you were discussing this was he present at any meetings other than those between yourself and Lyon and Wilkinson?

*A.* Not that I remember.

The CHAIRMAN.—*Q.* You say that Kirkland was present at some meetings between you and Wilkinson?

*A.* With Lyon and myself; I am not so sure about Wilkinson.

Mr. BLAKE.—*Q.* Was Mr. Kirkland present on any occasion that you were with Mr. Lyon?

*A.* I remember him coming to me after I broke off with Lynch and asking me if I would not take the $750.

*Q.* Who did?

*A.* Kirkland, before Wilkinson, and he seemed to be sorry for the arrangement being broken off, and then immediately after Wilkinson came; they were about in the same place; they were in the house at the same time. I would not say that they were all present together.

*Q.* Urging the acceptance of the $750?

*A.* Yes.

*Q.* Was Kirkland present on any occasions that you were with Lyon?

*A.* I cannot speak definitely on that, but he was about.

By Mr. CASWELL.—*Q.* You spoke once in your examination about the American. I understood it to be Lynch. I want to understand clearly whether it was Lynch or Kirkland you referred to. You used the expression, "I saw the American afterwards and he said he was sorry that I had not settled with Wilkinson"?

*A.* That was Kirkland.

*Q.* Is he the one that asked if you would take the $750?

*A.* It was Kirkland.

*Q.* Kirkland asked you if you would take $750?

*A.* Yes. I was in conversation with Lynch afterward.

Commissioner SCOTT.—*Q.* I understood it was Lynch you saw in the room?

*A.* It was Lynch I saw in the room, but it was Kirkland saw me after I parted with Lynch. It was Lynch was to give me the $1,500—at least was to put it in an envelope.

Mr. CASWELL.—*Q.* You had no conversation with Lynch subsequent to that?

*A.* No; none before that.

*Q.* Neither before nor after; that was the only interview with him?

*A.* That is the only interview.

*Q.* Is it true that you met Kirkland subsequently to that and that he offered you $1,000?

*A.* No, I never said that he offered that; he offered me before that, when I spoke of the $2,000, he said he would give me another, that was $3,000.

*Q.* After you and Kirkland meeting, after this $1,500 had been offered to you in the way of a bet, you say you met Kirkland, you conversed with him, and he said he was sorry that you did not accept this offer?

*A.* Yes; he asked me then would I take $750, then I told him I would not

*Q.* Then did he offer any larger sum or any other sum?

*A.* No, he did not.

*Q.* It was not true that he offered $1,000 then?

*A.* No.

*Q.* It was Wilkinson?

*A.* Then Wilkinson came to me and asked me would I take $750; I told him I would not.

*Q.* Not in Kirkland's presence?

*A.* No, I think not.

*Q.* You say you first met Kirkland in the Walker House

*A.* I believe that is where I met him first.

*Q.* Why was he coming there?

*A.* He used to be enquiring for Mr. Lyon.

*Q.* He did not go, as far as you know, to ask for yourself

*A.* No, not that I know of.

*Q.* How did you meet him,—was there any appointment as far as you knew, or did you just casually meet him?

*A.* There was no appointment; I believe Mr. Lyon introduced us: we met.

*Q.* Just as people meet in a hotel?

*A.* Yes, up to that time, and then afterwards I was in my room and one of the bell boys came up and said Mr. Kirkland wished to see me, and I went down to the reading-room, to the office, and he said he wished to have half an hour's private conversation in my room or somewhere else, so we went up to my room; it was then we talked over this timber policy, and about the Commissioner of Crown Lands refusing to grant him what he wanted.

*Q.* It was the timber policy that he was always urging on you?

*A.* Yes, the timber policy.

*Q.* What was the change he was wanting as far as you understood it?

*A.* Well he told me he had bought the lands there and he did not get the timber, and he wanted the timber sold out—put it up by auction or sell it privately, and sell it straight out.

*Q.* The timber upon his own lands?

*A.* No, upon all the lands that he could get hold of there: it was not all the lands; he complained that he had bought lands and could not get the timber off; he did not complain to me particularly about his own lands, but he complained that he could not buy the timber as they did on the American side, buy it right out; he told me that the way they did here—which I knew—that they put it up and sold it at a certain bonus, and then there was timber dues and all that kind of thing afterwards, but he wanted that done away with.

*Q.* He wanted the timber sold along with the soil of the rock?

*A.* He did not appear to be after the soil so much as the timber; he wanted to buy the timber.

*Q.* This is what he explained to you in the Walker House?

*A.* Yes.

*Q.* Did he urge you to go to the Commissioner?

*A.* He did then, and after that he did, and I think it was the third time he said it was no use in seeing him, that he would not change.

*Q.* What was the object of your visits to the Commissioner?

*A.* About this timber, to see if he could not be induced to change the policy.

*Q.* The Commissioner had one policy and he wanted to get it changed, and he asked you to use your influence to try and get it changed?

*A.* Yes, that is what took place up to that time.

*Q.* You say he told you on the third occasion that there was no use going any more?

*A.* I never did go, but he said "You need not go, others have seen him and nothing can be done with him"; he told me then that he would have given him $15,000 or $20,000 privately himself, to do it, and he told me also that he had spent some $32,000 on the other side last year, and they always put it down to Crown Lands, or Lands—to Land Account, that was it.

*Q.* This $32,000, what was that?

*A.* Spent amongst the legislators on the other side in getting his timber through.

*Q.* Of course you did not believe that?

*A.* I do not know anything about it: I could not say now that I believe it or disbelieve it.

*Q.* You often hear gassing told about members of the Legislature being paid, and I suppose you took that as a piece of talk?

*A.* No, I did not know whether it was true or not.

Mr. BLAKE.—*Q.* You do not want to make your own client a liar?

Mr. CASWELL.—*A.* Oh no, but he gets into bad company, and then he has to talk according to the people he is with, I suppose.

*Q.* I understand you are the first person that suggested money to him?

*A.* Yes, I said it was worth $2,000.

*Q.* What was worth $2,000?

*A.* What I was doing then.

*Q.* What were you doing?

*A.* Well, I was supposed to be trying to influence others, and my vote was going, and all that sort of thing.

*Q.* I suppose you tried to convince him that you were trying to influence the Commissioner?

*A.* No, I told him I had not seen the Commissioner, and he told me I need not go; I did not make any professions of that kind to him.

*Q.* You were to influence members?

*A.* He was very anxious at this particular time then to get the matter brought up in the House by the Opposition; he told me then at that time that he had seen Mr. Meredith and he had submitted the matter to him, and he asked some four or five days to consider the matter, and in that time he had seen him again and he approved of it and he was going to bring it up in the House and there was to be a vote taken on that; he was anxious to get us to vote on that.

*Q.* Simply to get a change in the timber policy?

*A.* Yes.

*Q.* That did not indicate anything like voting against the Government?

*A.* I think so; what he was wanting then was to be.

*Q.* How?

*A.* He understood perfectly well, from what he said to me.

*Q.* How did he understand it?

*A.* He told me so; that he understood that the Commissioner would not change his policy, and that Mr. Meredith was prepared to take it up, his way of it, and he was then wanting us to vote with him, to vote with Mr. Meredith on that motion.

*Q.* Was anything said about voting against the Government to turn them out?

*A.* Yes, I understood they would be voting against the Government.

*Q.* Was anything said that it was voting against the Government?

*A.* I do not know that he just mentioned voting against the Government.

*Q.* It was simply a vote on this change in the timber policy?

*A.* He wanted me to vote with them on that policy.

*Q.* You are the one that suggested money to him, what was the answer to your proposal?

*A.* He would give that, and another thousand on top of it.

*Q.* Did not he say he would give you the $2,000?

*A.* He did; he said he would give that and another on top of it.

*Q.* For what?

*A.* For what I have just told you.

*Q.* What were you to do?

*A.* For voting, and what I was doing then.

*Q.* For your services?

*A.* Yes, for my services.

*Q.* Did he say anything about your vote?

*A.* Yes.

*Q.* Did he want your vote?

*A.* Yes, he did want my vote; he said it was going to be discussed and voted upon he said Mr. Meredith was going to bring it up.

*Q.* Were you to speak on the motion?

*A.* He did not ask me to speak at all.

*Q.* You urged you should get this money on account of your services?

*A.* I did not urge anything about it; that is all he said to me.

*Q.* You asked $2,000, and he said he would put a thousand on top of it?

*A.* Not a thousand; he said he would put another on top of it; I understood a thousand.

*Q.* Did he produce any money?

*A.* No, he did not produce any money to me.

*Q.* He did not show his ability to perform the promise?

*A.* No; he told me one time he expected to get on here without the currency, but he found he could not, and he had sent for it, and he expected his partner and he had not come.

*Q.* I suppose if he had given you $2,000, you would have taken it?

*A.* Yes, I would have taken it, and put it up in the hands of the Speaker; that was my intention from the very beginning.

*Q.* You would have done it at that time?

*A.* Yes, at that time, or any subsequent time.

*Q.* Do you know at that time, whether Wilkinson and Kirkland knew one another at all, at the time of the speaking about the $2,000?

*A.* No, I do not know that they did.

*Q.* Do you know who introduced him to Wilkinson?

*A.* No, I do not know; but Wilkinson came to me and told me he had seen the Yankee; he had looked him up.

*Q.* That was after this $1,000 or $2,000 conversation?

*A.* Yes.

*Q.* Do you remember how long that was before handing the money over to the Speaker?

*A.* No.

*Q.* Do you remember introducing Wilkinson to Kirkland?

*A.* No, I do not.

*Q.* I understand you introduced them three or four days before their arrest?

*A.* They knew each other more than four days before; I saw them around there more than three or four days; I did not introduce them at any time that I recollect.

*Q.* I understand you introduced them?

*A.* I am not accountable for your understanding in the matter; I do not think it is so; my impression is that I did not introduce them.

*Q.* I understand that you told Wilkinson about this $3,000 offer of Kirkland's?

*A.* I did.

*Q.* Did Wilkinson then know Kirkland; did he give you to understand he knew Kirkland then?

*A.* No, I cannot say whether he knew him then or not.

*Q.* The conversation did not lead you to think that he knew him?

*A.* No, not then; the next conversation he led me to believe he had seen Kirkland he said they had looked the Yankee up and they had found there was nothing in him, and they had determined to make him the scapegoat; that is all he said then; it led me to believe he had got some knowledge of him or had met him somewhere.

*Q.* After you met Kirkland did you go to tell Mr. Pardee about this Kirkland offer?

*A.* Yes, I told Mr. Pardee; Mr. Pardee said several members had seen him about Kirkland's change of policy, and that he had refused to do it.

*Q*. Did you tell him of this offer of money?

*A*. I believe I did.

*Q*. Are you certain?

*A*. I believe I did.

*Q*. Did you tell any other members of the Government about it

*A*. I do not remember.

*Q*. Mr. Hardy, for instance?

*A*. I think that they knew it.

*Q*. Did you tell them?

*A*. No, I do not remember that I did; I cannot say now that I did.

*Q*. Did not Mr. Kirkland always refer you to Mr. Lyon as the person who would give all information about that country up there?

*A*. I do not remember that he did refer me to Lyon particularly.

*Q*. Mr. Kirkland, you say, was trying to get you to get Mr. Pardee to change his timber policy?

*A*. Yes.

*Q*. Did not he refer you to Mr. Lyon to get information about the needs of that part of the country?

*A*. He may have; I cannot speak positively on that; I was up through part of that country myself.

*Q*. Still you would not have such knowledge of it as Mr. Lyon would have?

*A*. No, I would not.

*Q*. You cannot say whether he referred you to Mr. Lyon or not?

*A*. No; I do not just remember whether he did or not; I was not paying particular attention about what the country was there, or the timber either.

*Q*. From that offer of Mr. Kirkland's do you think that he actually intended to pay you money?

*A*. Well, he appeared as if he did, because he told us that he had the money coming; he expected it; that he had written for it, and that he expected his partner coming.

*Q*. He did not show you any of it?

*A*. No.

*Q*. Was not Mr. Kirkland urging that there should be a change of the timber policy up there; was not that what he was urging?

*A*. Certainly; I told you that.

*Q*. Was not he urging you to support that timber policy?

*A*. He was; he asked me to vote for it.

*Q*. Did he ask you to support it if you conscientiously believed it to be right?

*A*. No; he did not say anything about conscience in the matter.

*Q.* Did he think you had none?

*A.* I do not know what he thought about that; I am not prepared to say about that.

*Q.* That interview on the Sunday shows what they thought about that?

*A.* Well, it shows them as well as me; the Sunday could be used both ways; they should not fall into the pit if they did not want to be helped out of it; I am not in the habit of desecrating the Sabbath.

*Q.* Did not he always urge that you should support that policy if it was for the best interests of the country?

*A.* He always urged me to support that policy.

*Q.* Did he put that part?

*A.* I do not know that he mentioned the interests of the country.

*Q.* Did he refer you to Mr. Lyon to get information?

*A.* I cannot say that he did.

*Q.* Did you ever go to Mr. Lyon to get information?

*A.* I do not think I asked any information about the timber; I was not interested in the timber at all.

*Q.* You were merely interested in the money?

*A.* Well, no; I had no interest in the money either; I think my action shows that; it was not the money I was after; if it was I think I could have had more from them.

*Q.* Did you not tell Kirkland that other people were making inducements to you to vote want of confidence in the Government!

*A.* Yes; it is very likely I did if they were.

*Q.* Did he show by his conversation that he had the same object in view?

*A.* The timber seemed to be his policy.

*Q.* He had nothing to do with the want of confidence?

*A.* I cannot say that he had nothing to do with it; from my conversation with him he led me to believe that he was working with the opposition, and told me on one or two occasions that he had met Mr. Meredith, the leader of the opposition, and they were working together; that is what I was led to believe.

*Q.* You must not go so far?

*A.* If you want to go by my belief; that was my belief, that he was working with the Opposition, and at that particular time that he found he could do nothing with Mr. Pardee; that it was his object then to get the timber by some means, and to work with the Opposition, as he represented to me that they had promised to bring the matter up in the House.

*Q.* So long as you go that far you are not going out of the way at all; Mr. Meredith was to bring up this resolution and a motion was to be made upon it, and he urged you to support that motion?

*A.* Yes, he did.

*Q.* To that extent he would be working with the Opposition, but when it came to a vote of want of confidence it would be an entirely different thing?

*A*. I think he understood it was a vote of want of confidence; he told me on one occasion that he knew it was dangerous work; that it would be Penitentiary if he was found out: he told me that before he made this offer.

*Q*. That it would be Penitentiary if it was found out

*A*. Yes.

*Q*. What he was doing

*A*. Yes; he was making offers; he would have to be careful. he said: he knew the consequences; he named Penitentiary to me.

*Q*. He said it would be Penitentiary if he was found out?

*A*. Yes, he did.

*Q*. Did you not tell him the conversations you were having with other members of the House?

*A*. I may have told him some.

*Q*. You told him what was going on?

*A*. Yes.

*Q*. Did he not repeat to you what he was getting from the Opposition; conversations with the Opposition?

*A*. Yes, he told me they were going to support this policy.

*Q*. Did he not tell you the conversations he had with them?

*A*. I do not remember any particular conversations, only he had seen Mr. Meredith and submitted this matter to him, and Mr. Meredith asked these days to consider the matter, and then he approved of it and would bring it up in the House.

*Q*. Was he not going around from the Government to the Opposition, and from the Opposition to the Government, trying to get them to advocate this policy—nothing to do with the politics of the day?

*A*. He told me he had seen several of the members.

*Q*. Both sides?

*A*. Yes, he told me he had seen some of both sides, but latterly he had given up the one side; from the last conversations he appeared to have given up the Government side altogether; that there was more hope held out to him from the other side; that is what I understood.

*Q*. That might have been a part of the policy of some members of the Government to send him to commit the Opposition?

*A*. He did not say anything to me about that.

*Q*. He seems to have been friendly with both sides, and asking both sides?

*A*. He did not seem to have much confidence in the Commissioner of Crown Lands, for he said he could do nothing with him; he is the only member of the Government he spoke to me about that I recollect.

*Q*. Mr. Kirkland did not give you to understand he had any money, only he told you that he had written to his partner?

*A*. Yes.

*Q.* Have you ever seen his partner?

*A.* No.

*Q.* Have you any reason to suppose that this money that was produced was any of his?

*A.* No, I have not; I don't know that it was.

By Mr. Meek.—When did you first form the plan of trying to catch some person, to make some offer or bribe to you?

*A.* I did not form a plan at all, sir.

*Q.* When did the idea first get into your head?

*A.* Mr. Wilkinson spoke to me about the matter; he was the first man ever approached me or spoke to me about the matter, or made any offer.

*Q.* At that time you had no design of trying to catch him and lead him on?

*A.* Yes, I had designed to catch him when I found he was making definite offers.

*Q.* And that was the first time you formed the plan?

*A.* No, I cannot say just to the time about forming the plan; I did not form a plan at all; plans were formed on Mr. Wilkinson's side; he made the plans and expected me to carry them out.

*Q.* You say that Wilkinson spoke to you first, and then the idea entered into your head that you would like to get him? Is that it?

*A.* I made up my mind that if he made me these offers I would catch him; I would accept the offers and expose him; I made up my mind fully to that.

*Q.* As soon as you conceived that plan you began to put it into practice?

*A.* No, he done the practising.

*Q.* You began to put it into practice?

*A.* No, I did not practice it.

*Q.* You did not do anything at all to carry it out?

*A.* I did do something to carry it out.

*Q.* What was the first step you took after Wilkinson spoke to you?

*A.* When Wilkinson made me the offer of $500, I went in and told Mr. Pardee the Commissioner of Crown Lands, immediately.

*Q.* Right straight off?

*A.* As near as I can remember.

*Q.* He offered you this office in the North-west, and $500, and you went straight off and saw Mr. Pardee?

*A.* Yes; as soon as I got an opportunity of seeing him.

*Q.* When was that?

*A.* I cannot just give you the dates; it was early in the beginning of the Session.

*Q.* Mr. Wilkinson at that time was stopping at the Walker House ?

*A.* Yes.

*Q.* He told you he was up here on legal business ?

*A.* No ; he said nothing to me about legal business.

*Q.* I understood you to say that to my learned friend ?

*A.* I said no such thing : he said he had some offer on the *Mail* staff or in the *Mail* office.

*Q.* At that time this offer was made to you by Wilkinson and you immediately reported to Mr. Pardee ?

*A.* As soon as I had an opportunity of seeing him.

*Q.* How soon was that ?

*A.* I could not say ; it was very soon after.

*Q.* A week after.

*A.* No, it was not a week.

*Q.* Did you report to anybody else but Mr. Pardee ?

*A.* Not then.

*Q.* Before you saw Wilkinson again had you reported to any person else ?

*A.* I think not.

*Q.* What did Mr. Pardee say to you ?

*A.* Well, he was not prepared to believe it at first, that they were bad enough to make these offers; that they were making these offers.

*Q.* He thought it impossible ?

*A.* I do not know whether he thought it impossible ; I could not say.

*Q.* What did he say to you ?

*A.* I do not remember the particular conversation, but I told him ——

*Q.* I ask you what he told you ?

*A.* If you ask me one thing I have got to tell the whole..

*Q.* What did Mr. Pardee say to you ?

*A.* I do not just remember what he said just upon that particular occasion ; just at that time I remember that he was not prepared just to believe it.

*Q.* Stop there, or tell me you have made a mistake ?

A. I did not make any mistake.

*Q.* You do not remember what he said ?

*A.* I do not just recollect the very words on that occasion.

*Q.* Do you recollect the purport of it, what it was ?

*A.* Well, he thought I ought to go on and see.

*Q*. Try and trace this thing out ; follow it up ; was that it?

*A*. That is it, yes.

*Q*. Then in consequence of what he said to you you sought out Mr. Wilkinson again?

*A*. I did not seek out Mr. Wilkinson ; Mr. Wilkinson sought me out every time.

*Q*. You were both stopping at the Walker House?

*A*. Yes.

*Q*. You met there at the table every day?

*A*. Well, we met at the table on several occasions, nearly every day.

*Q*. Sometimes three times a day.

*A*. Well we might have.

*Q*. You saw each other in the evening?

*A*. Yes.

*Q*. You were very friendly?

*A*. Very friendly.

*Q*. You were in his room sleeping on his bed?

*A*. No.

*Q*. And telling about your affairs?

*A*. No, I was not telling about my affairs.

*Q*. Will you swear you were not?

*A*. I will.

*Q*. Will you swear you were not sleeping in his bed?

*A*. I will.

*Q*. Will you swear you did not tell him about your affairs and cry to him and beg of him to get you some position in the North-West to escape from your creditors?

*A*. I will swear I never did either, and I am swearing it.

*Q*. Did you not tell him there were three cases of forgery likely to be brought against you?

*A*. I did not.

*Q*. Did you not tell him there was a note here—a Gaynor case—where you were likely to be prosecuted for forgery, and asked him to try and get you a situation?

*A*. I do swear, I did not tell him that; I do not think that would save me from the prosecution. I think you are a lawyer ; you ought to know that.

*Q*. You swear you did not tell him you were in very hard circumstances, and that you were almost on the point of starvation?

*A*. I will swear I did not tell him that.

*Q*. Will you swear that you did not shed tears on several occasions?

*A*. I will swear I did not shed tears on any occasion in his room or your room ; you looked a little more like tears when I would not sign the agreement. I never shed a tear in his room, or in your room.

*Q*. You swear you did not?

*A*. I do swear, I did not; he was the first to speak to me about my business, and I did not follow it up.

*Q*. You did not?

*A*. I did not.

*Q*. It was the first occasion?

*A*. That was what he approached me on.

*Q*. Then you saw Mr. Pardee, and you were to go on and follow it up; did he tell you how to go about it?

*A*. No, I don't think he did; he left that to myself.

*Q*. Left that to your own ingenuity?

*A*. Yes.

*Q*. He thought you were quite capable of that yourself?

*A*. I don't know what he thought.

*Q*. The next occasion you saw Mr. Wilkinson; when was that?

*A*. Shortly after; it was then that he offered me the $1,000.

*Q*. How did he come to offer you the $1,000?

*A*. He said he thought, of course, in my case, that I needed the money, and he would do better for me.

*Q*. You perhaps shed a few more tears?

*A*. Oh, no, I am not just that kind, that would shed tears just so easy.

*Q*. Did you ask for an increase?

*A*. Not until I named the $2,000; I had not up to that time.

*Q*. You did not ask for an increase?

*A*. No, I did not.

*Q*. The $500 would have been enough to have caught him, without any further?

*A*. Yes.

*Q*. Why did you not consent to the $500?

*A*. I thought it was better to have a little more; when I did seek to get a little more they kept paring me down again.

*Q*. The $500 was not enough; was that the reason?

*A*. He came to me without asking him any more, and offered me $1,000.

*Q*. Was the $500 enough, or did you want more?

*A*. I wanted just all I could get; I was determined at that time to catch him.

*Q*. Then $500 was not enough?

*A*. You were determined to catch me, to overthrow the Government, and you were very anxious in your own room.

*Q.* Was not $500 enough ?

*A.* It was not enough.

*Q.* Then on the second occasion you got him up to $1,000 ?

*A.* No, he got up himself.

*Q.* You wanted more, but did not ask him more ?

*A.* No, I did not ask him more.

*Q.* And he pledged you $1,000 and the office on the second occasion ?

*A.* Yes.

*Q.* What did you say to that ?

*A.* I told him I wouldn't take less than two.

*Q.* Why did you say that ; why did you want $2,000 ?

*A.* I don't know that there was any reason given ; I just named $2,000.

*Q.* What did you say to him about it ?

*A.* I said I wouldn't take less than $2,000, that is just what I said.

*Q.* Why ?

*A.* I don't know that I gave any reason, and I don't think he asked any.

*Q.* Did you speak of settling up your affairs, and paying some little debts ?

*A.* No, I did not : I had made an assignment, and I was not settling up any affairs then.

*Q.* You spoke of $2,000. Did he say he would give you the $2,000 ?

*A.* He said he had no authority to offer it then, but he would see them again, and when I saw him again he said they had made up their mind——

*Q.* Never mind that ; you have told it once. He said he had no authority to offer you $2,000 ?

*A.* Yes.

*Q* This was the second interview you had with him on this question ?

*A.* It may not have been the second ; it may have been more than the second ; we had several conversations.

*Q.* Had you seen Mr. Pardee again ?

*A.* I had every time ; every time that I had an offer I saw him.

*Q.* What did Mr. Pardee say to you on the second occasion ?

*A.* To go on, and I told Mr. Pardee, and he named $2,000.

*Q.* Didn't he tell you what to do or what to say ?

*A.* No, I don't think he told me ; I knew best myself ; I don't think he ever told me what to do, or what to say ; I have no recollection that he ever did.

*Q.* When you made the proposition for the $2,000, you parted on that occasion without getting any offer of that ?

*A.* Yes, when I asked it.

*Q.* When did you meet again?

*A.* Shortly afterwards we met again, and he told me they had made up their minds to give me the $2,000; he always spoke of "They," and the meeting after the Caucus, every time.

*Q.* And that they had made up their minds to give you the $2,000?

*A.* Yes.

*Q.* Were you satisfied with that?

*A.* Yes; that was the end of it then.

*Q.* $2,000 and the office?

*A.* And the office; there was to be $1,000 of it cash down the next week.

*Q.* Before any vote was taken?

*A.* I don't remember whether the vote was supposed to come up; I was to get $1,000 next week any way; I don't know whether that was mentioned before the vote was taken, but I was to vote with them, that was the understanding.

*Q.* You don't know whether it was before or after the vote was taken?

*A.* I suppose it would be after; it was supposed the vote would be taken during that week.

*Q.* Immediately after the vote was taken, what were you to do?

*A.* I was to continue on in the House, voting with the Opposition.

*Q.* How could you do that, and still be Registrar?

*A.* I was not to be Registrar until the tenth or twelfth of May.

*Q.* Then you were to get a position?

*A.* Yes.

*Q.* Were you to do anything towards assisting in carrying the constituency for another candidate?

*A.* There was nothing said about that, because he spoke about my holding a constituency.

*Q.* Didn't you say that you would resign your seat after the Session was over, and go up to your office, and would assist the Conservative party to carry the riding?

*A.* No, I never said I would assist, nor he never asked me.

*Q.* Did you retail that whole matter to Mr. Pardee?

*A.* I did.

*Q.* To any other member of the Government?

*A.* Mr. Fraser I believe, was present.

*Q.* I suppose they were well pleased at your success?

*A.* They did not appear to disapprove of it at all.

*Q.* They told you you were doing right?

*A.* Didn't say that I was that I remember of.

*Q.* They did not tell you to act like an honourable man, and spurn any offer of that kind?

*A.* I thought I was just spurning it in the right way; I thought I was acting the part of an honourable man and spurning Mr. Wilkinson and yourself in the proper way; that is the right way to punish you, I thought so.

*Q.* The week rolled around and what then?

*A.* I was brought up to your office in the meantime; Mr. Wilkinson made the arrangement with me.

*Q.* I never invited you to come to my office did I?

*A.* Mr. Wilkinson made the arrangements.

*Q.* Answer my question, please?

*A.* You did not; but now I will tell you the balance of it, if the Court will allow me.

Mr. Meek.—No you will not.

The Chairman.—Just answer the questions.

*Q.* Then when you came to my office, do you remember telling me about your grievances against the Government?

*A.* No, I do not.

*Q.* That you were dissatisfied entirely with the Government and with their policy?

*A.* I told you no such thing, for I was not.

*Q.* And that they were a selfish lot. and that you had ruined yourself in politics, and that they had never stretched out a hand to help you in your difficulties?

*A.* I never told you anything of the kind.

*Q.* Do you deny all that?

*A.* I do deny it; I did not say anything of the kind.

*Q.* And that they were seeking simply their own success, and retaining themselves in office, and cared nothing about their supporters so long as they could get their support; do you remember telling me that?

*A.* No; I didn't tell you that.

*Q.* Do you deny telling me that?

*A.* I do; I have denied it.

*Q.* And that you had made up your mind to quit them?

*A.* I don't know; I don't think I said that; I don't remember that I did.

*Q.* Do you swear that you didn't?

*A.* I do swear that I didn't.

*Q.* Did you tell me that you had been arranging with some person about getting some members to vote against the timber policy of the Government?

*A.* I may have told you that; I was speaking to others.

*Q.* You do recollect that?

*A.* Yes.

*Q.* And that you thought your services in connection with working up this case were worth about $2,000?

*A.* No; the $2,000 was fixed before I went to your office at all.

*Q.* Did you not say to me that you thought your services in this matter were worth about $2,000?

*A.* No; you never spoke to me about $2,000; you had a draft of agreement ready, and you had a note of $5,000 there signed.

*Q.* Will you please answer my question?

*A.* I did not speak to you about what you say now; the $2,000 was understood perfectly well before I went to your office.

*Q.* Did you not tell me you wanted an agreement with this party to bind him or them—whoever it was—that they would pay you $2,000 for your labor and expenses in connection with this timber policy?

*A.* It was not necessary to tell you; you had that agreement written out there when I went there, and read it for me.

*Q.* Will you answer my question?

*A.* I say I did not, because you wrote that agreement for me; you had it written out when I went there, and you wrote it for me.

*Q.* That is a distinct untruth; did you not tell me that?

*A.* I did not, for you had all that down in writing before I went in.

*Q.* Did you not sit down and dictate an agreement which you wished me to draw for you?

*A.* No; you had the agreement written when I went in; you read it.

*Q.* If your memory were worth anything at all you would know that is entirely untrue?

*A.* Well, I know it is not untrue; I am sure it is true: you had it written, and wanted me to approve of it, and was going to re-write it, and did re-write it.

*Q.* Don't you remember sitting down at my table opposite to me, and dictating the kind of agreement you wanted drawn?

*A.* No, I did not; you had it done when I went there.

*Q.* Do you remember my reading that agreement to you after I had drafted it, and you disapproved of some parts of it?

*A.* No; you had it written when I went in.

*Q.* Why do you keep on repeating that?

*A.* Because it is true.

*Q.* Is it because you want to convince the Court that that is true?

*A.* I want to convince you.

*Q.* You can't convince me; I say that what you say about that is distinctly, and positively, and utterly untrue?

*A.* I say it is.

*Q.* I am prepared to prove it?

*A.* I don't doubt that; if you are prepared to prove what is not true I am not.

*Q.* Then, after it had been re-written with alterations which you suggested, do you recollect going out to see some parties to have them sign it, or agree to it?

*A.* No.

*Q.* And coming back again?

*A.* No, I never went out or came back again; never went out until I left your office.

*Q.* You deny that?

*A.* I do; when I went out I did not return.

*Q.* Do you recollect asking me if I would guarantee that Wilkinson would carry out any agreement or offer he had made?

*A.* No; I remember distinctly you and him had a $5,000 note drawn up and signed there, and you had this agreement.

*Q.* Who told you that first?

*A.* You showed me the note and handed it to me.

*Q.* That appeared first in the written statement that was written out for you for the Parliamentary Committee?

*A.* No, you had the note prepared and signed.

*Q.* You are prepared to swear to that?

*A.* I am.

*Q.* And to stand by that?

*A.* I am.

*Q.* You swear that there was a note signed by me?

*A.* I do.

*Q.* Signed or endorsed?

*A.* I can't say, but your names were both on that note.

*Q.* Where was my name on that note?

*A.* I can't swear just where it was; I will swear positively that it was on that note I had the note in my hand.

*Q.* You took it and handled it?

*A.* Yes.

*Q.* And saw it with your eyes?

*A.* I did.

*Q.* And put on your specs?

*A.* I don't know that I did.

*Q.* Did you sign the agreement?

*A.* I did not.

*Q.* You are prepared to swear you handled that note signed by me in your hand, in my office, on that particular occasion?

*A.* On that particular occasion; I never was in your office before.

*Q.* Did you go up to the *Mail* office in pursuance of any request or direction from Mr Pardee?

*A.* No; it was Mr. Wilkinson that requested me to go up.

*Q.* Did Mr. Pardee know that you were going to the *Mail* office

*A.* Yes; he said for me to go.

*Q.* Did he tell you to go?

*A.* My recollaction is that he did, and whether he did or not I was going to go.

*Q.* If you were going in accordance with directions, and for the purpose of catching somebody, why did you not take that note; why did you not sign that agreement, and have it put into this envelope that you speak of, have it put in the hands of some person?

*A.* I will give you my reason why I did not do it; Mr. Wilkinson named Mr. Goldie, of Guelph, and he told me then that Mr. Goldie would not hold it, and then he named some others in Toronto—Mr. Campbell for instance, the Deputy Receiver-General; I was not satisfied with any man; I said I thought Campbell would do, and Wilkinson said that would not answer the purpose, because he was a brother of one of the Ministers, and would connect the Dominion Government, and you thought it would do, and at that particular time it was Bunting's note; I objected to take your note and Wilkinson's then and there.

*Q.* After you had seen Mr. Bunting, and he told you that I was an honourable man, and that I was a man worth $5,000, and that anything that I did would be guaranteed and carried out, why did you not come back and sign that agreement?

*A.* I was not going back; I had no arrangement to go back.

*Q.* If you had had those documents here, what a wonderful case you would have had?

*A.* You wouldn't show them papers here; why didn't you bring them here?

*Q.* After you had got Mr. Bunting to agree to it, and to guarantee everything that you say I agreed to do, why did you not go back to my office and get those documents placed in the hands of some third party, where they could be got at by some Court?

*A.* I did not want to go back; I was not going to take your note or Wilkinson's.

*Q.* Then you were not satisfied with my note?

*A.* No. I did not like the looks of your face to begin with; I did not like your appearance.

*Q.* You wanted something better than that?

*A.* I wanted something more substantial than that.

*Q.* It was a mutual repugnance?

*A.* Well, you appeared to be very anxious to carry out the thing.

*Q.* You will hear what I have to say in regard to that?

*A.* Yes, we will hear what you have got to say.

*Q.* You wanted some better security, wanted to get hold of a better man; was that the reason, or was it simply that you wanted to catch Mr. Bunting?

*A.* I wanted to catch Mr. Bunting.

*Q.* That was the main reason?

*A.* That was the main reason.

*Q.* At the Police Court you swore that there were two reasons?

*A.* It was both reasons; I swore the same thing at the Police Court.

*Q.* You swore you wanted better security for the amount?

*A.* I gave both reasons; I said I wanted to catch Bunting, and I wanted better security.

*Q.* When you left my office, that was along at the beginning of the Session; when did you next meet me?

*A.* The next time that I remember meeting you was when I met you in the House with Mr. Creighton, when he hunted you up.

*Q.* At the time you came up you asked Mr. Creighton to find me for you?

*A.* Yes.

*Q.* And when I came out, you did not know me?

*A.* Yes, I knew you.

*Q.* You said to Mr. Creighton, and said to me that you did not know me?

*A.* No, I said I did not know that I would know you; I asked Mr. Creighton to look you up.

*Q.* Will you swear you didn't say that?

*A.* I won't swear, but I will swear this, that I said I did not know whether I would know you or not.

*Q.* Did not Mr. Creighton introduce me to you or you to me?

*A.* We met, all three, there in the lobby; I believe Mr. Creighton said, "This is Mr. Meek."

*Q.* And didn't you say, "I didn't know you?"

*A.* No, I did not say I didn't know you; I swear that I said I did not know whether I would know you or not; I said that to Mr. Wilkinson, if I saw you again, that I only saw you that once.

*Q.* Will you swear you didn't say, you did not know me?

*A.* No, I didn't say that.

*Q.* How long elapsed between the time you were in my office and the time you met me there?

*A.* Some couple or three weeks.

*Q.* What did you say to me that evening?

*A.* I said Mr Wilkinson asked me up.

*Q.* Did you not ask me to walk with you down to Mr. Wilkinson's room with Mr. Lyon?

*A.* I did not.

*Q.* Do you deny that?

*A.* I do; I did not ask you that.

*Q.* Did you not say to me, that Mr. Lyon wanted to see me about the protest?

*A.* No; Mr. Wilkinson was the man that sent me.

*Q.* And did not I say, that I would not consent to withdrawing the protest?

*A.* No, that was long after; I did not go down at all with you.

*Q.* I know you did not, because I would not go with you; I told you distinctly I would not go;

*A.* It is a wonder on the same occasion Mr. Bunting would walk with me, he appeared to be so much higher and better than you, and he did not refuse to walk with me.

*Q.* Did I not tell you there and then that I would not go with you?

*A.* You did not.

*Q.* Do you deny it?

*A.* I do indeed deny it.

*Q.* Did you not say you would go in and get Mr. Lyon out, and you and he would walk down with me to Mr. Wilkinson's room, and we would fix up that protest matter?

*A.* I did not; I immediately turned and had a conversation with Mr. Bunting; I had no further conversation with you; if you are prepared to contradict me every time I answer you, I don't think I will try to answer; I am telling the truth.

*Q.* You are not telling a word of truth—scarcely a word of truth in what you say from beginning to end?

*A.* I am telling the truth.

Mr. Blake.—I suppose something like the same rule in regard to the examination of witnesses should be observed here, and no counsel would be allowed to say that to the witness in the box,—that he is not telling a word of truth; because the counsel happens to be a party does not make any difference.

Mr. Meek.—I have heard my learned friend say the same thing, I know what this man is telling.

The Chairman.—You can give your own evidence in your own behalf. It seems to me an unusual course to ask this man questions and then say, "You are lying all the time."

Mr. Meek.—Well, I know it to be so; I can't help saying it.

Witness.—You do not know it; it is not so.

The Chairman.—I think the evidence should be taken in the usual way.

Witness.—I have been examined by five on the Opposition side.

The Chairman.—If you desire to contradict him, you will have an opportunity of going into the box afterwards and doing it; your merely saying that he says what is not correct does not prove it.

Mr. MEEK.—I think I have heard my learned friend say the same thing to witnesses as I have done.

The CHAIRMAN.—If the opposing counsel has been guilty of the same thing, that does not justify it.

Mr. BLAKE.—There is no use giving an example; you wont follow it.

*Q.* I want to ask you these things to see whether you deny them or not; do you recollect asking me to go outside as somebody would see me there in the hall?

*A.* No, that was Mr. Bunting.

*Q.* And me refusing to do so?

*A.* No.

*Q.* Saying that I had nothing secret with you or nothing to communicate with you?

*A.* Nothing of the kind passed between us.

*Q.* Don't you recollect me saying to you that I would not go down with you, but you might go back and tell Mr. Wilkinson that I would call at his room on my way home in about an hour?

*A.* No, you did not say any such thing to me.

*Q.* Do you recollect on that same evening, in the course of about an hour afterwards, you and Mr. Lyon coming into Mr. Wilkinson's room, when I was sitting down there?

*A.* I remember meeting you and Mr. Lyon and Mr. Wilkinson in Mr. Wilkinson's room.

*Q.* Is not that the way it occurred; did not you and Mr. Lyon come walking into Wilkinson's room, No 9, of the Walker House, and find me sitting on the chair there?

*A.* I don't know how we met or how we were there, but I remember we were all four there; I won't say it was the same night either; I don't think it was.

*Q.* It was the same night exactly, because these are the only two occasions I ever met you in my life—in my office, and that same night?

*A.* Yes, you did afterwards see me in the reading-room of the Walker House.

*Q.* Do you remember you and Mr. Lyon coming into the room, and I was sitting down at the farther end of the room in a chair, and Mr. Wilkinson sitting on the end of the bed, and your speaking to me then?

*A.* I don't remember how we were sitting, but I remember we were all four in the room.

*Q.* You remember you sat at the upper end of the bed near the pillow, and Lyon took a seat down beside me at the far end of the room in a chair?

*A.* I don't remember where I sat, but I remember I was in the room with you and Lyon.

*Q.* Do you remember who called for the whiskey or the beer?

*A.* I don't remember there was any called for at all; I don't remember ever taking anything in Wilkinson's room.

*Q.* I remember you taking two drinks that night—you took whiskey both times too?

Mr. BLAKE.—Was it cold

Mr. MEEK.—I don't know whether it was or not.

Witness.—My recollection is we had nothing in Wilkinson's room that night; I don't remember that it was the same night; I remember we four were there one night.

*Q.* You are not prepared to swear it was not the same night?

*A.* No.

*Q.* Do you remember after Mr. Lyon got his glass of whiskey him saying to me that you had said that I wanted to see him about the protest?

*A.* I remember the protest coming up.

*Q.* Do you recollect, as soon as he mentioned that, your leaving the head of the bed, and coming over and crouching down, and listening to everything that was said?

*A.* No, I don't recollect that, because I think the conversation was loud enough for all to hear.

*Q.* Do you deny that you did that?

*A.* I do; I don't remember doing that.

*Q.* Do you remember when Mr. Lyon mentioned that to me that I told him that I had told you distinctly the position—that I had refused to withdraw it?

*A.* No, you did not tell me, but you said there and then that you would refuse to withdraw it, and you put on rather a dignified appearance.

*Q.* Don't you recollect my saying to him that it would be an unprofessional thing to do such a thing as that—an improper thing for him to ask?

*A.* You gave him to understand there that you would not do it.

*Q.* And that I would not do it even if it would turn out the Mowat Government?

*A.* You did not say that; you were very anxious to get the Government out.

*Q.* You deny that?

*A.* Yes.

*Q.* Do you recollect his asking me to give him a written agreement and to get Bunting or Creighton to sign it?

*A.* I remember him wanting some guarantee.

*Q.* Do you remember Mr. Lyon asking me to give him a written agreement that I would withdraw it?

*A.* I don't know that he asked you then, but I remember him speaking.

*Q.* And to get Creighton or Mr. Bunting to sign that?

*A.* I have no recollection of hearing Creighton's name mentioned.

*Q.* Do you recollect my refusing to do it, and saying that Mr. Creighton or Mr. Bunting had nothing whatever to do with it?

*A.* Yes, I remember you saying Mr. Bunting had nothing to do with it.

*Q.* Do you recollect Mr. Lyon then asking me to give him a written agreement myself.

*A.* I don't remember of anything in writing being spoken of, but he wanted some guarantee.

*Q.* And that you and Mr. Wilkinson would see Mr. Bunting and get his consent?

*A.* Yes; we would see Mr. Bunting.

*Q.* Do you remember speaking up and saying, "Never mind Wilkinson and I will see Mr. Bunting, and get his consent?"

*A.* No, but we were asked to do it.

*Q.* Do you pretend to say that, sir?

*A.* Yes, sir; and I remember you coming back very meek, and saying you misunderstood the whole matter, and that you were now prepared to go in and discuss the whole thing.

*Q.* Do you remember me refusing to give Mr. Lyon my own written agreement?

*A.* No, I don't know that there was anything in writing spoken of there.

*Q.* Do you remember me telling him and you, after you came crouching over there, that I had no faith in your honesty, that you ought to have common sense to know that if you were supporters of ours there was no necessity of asking such a thing as that?

*A.* You never said you had no faith in our honesty.

*Q.* Do you remember my saying it shook my confidence in your honesty, your asking such a thing?

*A.* No, I do not, indeed.

*Q.* Before that you were saying you were in favor of a coalition and wanted to get the Government defeated, and would do almost anything to get them out?

*A.* No, I don't remember going that far.

*Q.* And that you wanted this agreement so as to make it sure, that Mr. Lyon would not be proceeded against in case the Government were turned out, that the petition would not be continued against him?

*A.* Mr. Lyon was the party that was wanting to be secured, himself.

*Q.* Do you recollect Mr. Lyon saying that we might possibly continue against him after the Government were turned out, or after the vote on the timber policy was taken that we might possibly then continue to prosecute the petition against him, as we would not have faith in him?

*A.* I don't remember, but I remember both you and Mr. Bunting saying there would be no object in following that up—following up the petition—if he would vote with you; you said that.

*Q.* Do you remember Mr. Lyon saying on that occasion that he was opposed to the Government's timber policy, and had arranged to vote against them on that question at any rate?

*A.* Yes, he always admitted that he was going to vote against them on the timber policy.

*Q.* Do you recollect him saying to me that if I would consent to withdraw the petition he would vote against them throughout the Session?

*A.* I do not.

*Q*. Do you recollect your talking about forming a timber company ?

*A*. Yes, and I remember you applied for the Solicitorship.

*Q*. And I said to you, after you had discussed this matter for some time, "I want you to make me Solicitor at $5,000 a year "?

*A*. Yes, you asked for the Solicitorship ; I don't know that the salary was named. You said all you wanted was the Solicitorship.

*Q*. Don't you remember me saying, "Won't you make me Solicitor, with a salary of $5,000 a year?"

*A*. I don't remember ; you may have said that, but I remember of you speaking of the Solicitorship.

*Q*. Do you recollect you and Lyon discussing the question, and saying that you would divide these timber limits between yourselves ?

*A*. No.

*Q*. And that you would get the start of the Yankee, and would not let him have a share in it ?

*A*. No, it was Wilkinson said that.

*Q*. You were discussing that between you, that you would get the start of the Yankee and it would be a good joke on him, after all the time he had spent ?

*A*. That has been what Wilkinson has said, that he would not have the Yankee coming back claiming that he defeated the Government, and claiming the timber.

*Q*. My recollection is that you said all that yourself ?

*A*. I don't know anything about your recollection.

*Q*. Do you remember going down to the reading room of the hotel—you and Mr. Lyon—that evening before I went out ?

*A*. I remember going out.

*Q*. Do you remember going down into the reading room of the hotel ?

*A*. I don't remember where we went I know we went out, and I don't know whether we left you there or not.

*Q*. It was pretty late—it was about twelve o'clock ?

*A*. It was late.

*Q*. You stayed there talking a long time, trying to get me to withdraw the petition—you spent about two hours ; over that ?

*A*. Oh no.

*Q*. Well it was over an hour, and you had failed, and you went out, and went down to the reading room of the hotel, and do you remember when I was coming down stairs you were sitting over in a dark corner—you and Mr. Lyon—and you whistled to me ?

*A*, No, I did not whistle ; I am not a whistler.

*Q*. Do you remember one of you whistling as I was passing the hall ?

*A*. No, I don't remember any whistling.

*Q*. Do you remember my coming over to that corner?

*A*. I recollect, I don't know whether it was that night; my recollection is that it was the next night?

*Q*. Was it not after twelve o'clock at night?

*A*. I can't say that it was.

*Q*. You remember Mr. Lyon or you asking me to take another drink before going home?

*A*. I don't remember; I wasn't taking any drinks.

*Q*. Do you remember Mr. Lyon asking me again there and then when you were together if I would consent to withdraw it?

*A*. I remember you coming over—my recollection is that it was the following night—to where we were sitting, and you said you misunderstood the matter when you were in Wilkinson's room, but now——

*Q*. That is the way you put it?

*A*. Well, you told both of us then that you misunderstood it, but now you were prepared to withdraw the petition; and we were sitting on the sofa, not in a dark corner, but in the front of the reading room, the room that opens out on Front street there.

*Q*. Because the two of you happened to be there alone, and because I happened to meet the two of you alone, that I would consent to do it?

*A*. You did consent there to do it.

*Q*. You swear to that?

*A*. I do swear to that; Wilkinson told me that he brought you to time when I saw him again.

*Q*. Do you remember Mr. Lyon saying to me: "Do consent to this," or "Will you consent to this, and it will be all-right," at that very place, in that room that night?

*A*. No, you came right forward yourself of your own accord and told us.

*Q*. Do you remember of my saying that night, that I would not do anything further than what I had said before?

*A*. No, you said there and then you would do it, and you shook hands in a very friendly manner with both of us.

*Q*. That may be true?

*A*. It is well I tell any truth; you admit there is any part of it true.

*Q*. You never met me again after that?

*A*. Not that I remember.

*Q*. You did not come to my office any more, or any other place?

*A*. No, I never was sent for either; still you claim at one time I employed you to write an agreement, and I did not go back to pay you.

*Q*. So you did?

*A*. So I didn't.

*Q*. We will see whether you will not have to pay for that agreement yet?

*A*. I hope you will bring that matter up; I am prepared to defend that.

*Q.* Can you tell me what day that was on which you brought me out of the Parliament House, when Mr. Creighton came to see me, and you met me in the hall of the Parliament House?

*A.* I can not.

*Q.* Can you tell me how late it was at night?

*A.* No.

*Q.* Do you remember my being indignant or expressing indignation about being asked to withdraw the petition?

*A.* The only time you appeared to be indignant was in Wilkinson's room; I remember you saying you would not have the petition withdrawn.

*Q.* Was that the language I used?

*A.* Yes, that Bunting had nothing to do with it.

*Q.* Do you pretend to be using the words that I used?

*A.* That was the words as near as I can remember.

*Q.* Do you profess to be able to tell the language that was used?

*A.* Yes, I know the language that was used on two or three occasions.

*Q.* Tell me the day when you first appeared at my office?

*A.* I can't give you the date; it was on the day when the Speaker gave his first dinner—that night.

*Q.* You are sure that it was not the following day?

*A.* No, I am sure it was the day; I am quite positive it was sometime about midday.

*Q.* How long did you remain?

*A.* I couldn't say; I was there a good while; one or two hours I should say.

*Q.* Do you swear that you did not go out and come back again?

*A.* I do.

*Q.* Who did you see in my office beside myself?

*A.* Mr. Wilkinson.

*Q.* Who else?

*A.* I don't remember that I saw anybody else; some person, I believe, came to the door.

*Q.* Did you see any clerks or students in my office?

*A.* There were none in that room.

*Q.* Will you swear that none came into the room?

*A.* There may have been some person in the room; I remember some person came to the door, and you got up and went to the door and locked it, and said you wouldn't be bothered with any person coming in while you were doing this business, and I remember a slip of paper being put under the door.

*Q.* Did not a gentleman come into the room, and stay there for at least five or ten minutes?

*A.* No, not that I know of; I have not the slightest recollection of any person coming there.

*Q.* I want you to swear positively on this point?

*A.* I will swear that there came some person to the door, and you met some one there and you sent him away, and locked the door, and said you were not going to be bothered with people coming now.

*Q.* Did any person come into the room at all?

*A.* They came somewhere about the door, and you met them at the door, and turned them back; I don't think the door was shut at all; my recollection is, you went and met him at the door.

*Q.* You swear positively on that point?

*A.* I am just swearing, you met some person there, and sent them away again, and you locked the door again, and said you were not going to be annoyed, and there came a rap, and some person slipped in a piece of paper.

*Q.* I want to know if you swear that any person came into the room?

*A.* I wouldn't swear that he came past the door.

The CHAIRMAN.—*Q.* Was there any conversation took place between you and Mr. Meek while that person was at the door?

*A.* No, there was not, for Mr. Meek was talking to this person, whoever it was, and sent him away again.

Mr. MEEK.—*Q.* Where were you at that time?

*A.* I was sitting on a chair in that office all the time.

*Q.* Do you say that you met Mr. Bunting the same night that you were in my room, or the night previous?

*A.* The same night; I am positive about that; but I went to the Speaker's dinner, and I went to meet Mr. Bunting the same night.

*Q.* Do you remember meeting Mr. Wilkinson afterwards, that same evening about tea time?

*A.* Yes.

*Q.* Do you remember shaking hands with him, and his going away on the train?

*A.* No.

*Q.* Do you remember walking past the Walker House with him, down towards the station as he went away on the train?

*A.* No, he did not go away on the train that night.

*Q.* You swear that that is not so?

*A.* No, if he did he was there the next morning, for I saw him the next morning.

*Q.* Why did you not take that $2,000 from Kirkland that he offered you?

*A.* He just offered me the money, but he did not show me the money.

*Q.* If he had shown it to you, you would have taken it?

*A.* I think I would have taken it, and just done with it as I did with the other—just put it in the Speaker's hands.

*Q.* You did not tell anybody that you had been offered money by Mr. Kirkland—did not tell Mr. Pardee that?

*A.* I think I did; I am pretty sure I did.

*Q*, You are not quite sure about that?

*A.* Well, I think I am, it is my recollection that I told him.

*Q.* Have you got a good memory?

*A.* A pretty fair memory.

*Q.* You say that when they offered you the $750, you got annoyed at that?

*A.* No, I refused taking it.

*Q.* Paring the thing down too much?

*A.* Yes, too much.

*Q.* That would have done just as well as $1,000?

*A.* Well, $1,000 was better: it was evener, and it was easier handled.

*Q.* Easier counted?

*A.* Yes, those $100 bills.

*Q.* You came very near letting slip the chance of getting the money at all?

*A.* Yes, but I got it though: you will not deny that; they kept at it till they got me to take it.

*Q.* Every time that you had an interview, you went over to the Parliament House

*A.* Yes.

*Q.* Did you ever see Mr. Hardy at that time?

*A.* Yes, I saw Mr. Hardy.

*Q.* Did he give you any directions about it?

*A.* I don't know; he gave me no directions how to proceed.

*Q.* Your instructions came from Mr. Pardee?

*A.* No, I don't say that; I was prepared to do it myself.

*Q.* Did Mr. Fraser give you the directions?

*A.* No.

*Q.* Did you see Mr. Mowat?

*A.* No, I never saw Mr. Mowat on the subject.

*Q.* Did he know anything about it?

*A.* I don't know whether he did or not; he did not know anything about it from me.

*Q.* I suppose if he had he would have taught you a lesson?

*A.* I don't know whether he knew about it or what he would have done: I never spoke a word to him or him to me; the lesson was on the other side I think.

By Mr. BLAKE.—*Q.* You say at the time these offers were made, that the Government had a well defined timber policy?

*A.* Yes, I believe they had.

*Q.* Which they refused to alter?

*A.* They refused to alter; Kirkland told me that they refused to alter it.

*Q.* They had been interviewed by some people on this question of the timber policy?

*A.* Kirkland told me, that he had interviewed them himself, and that he had got other members to interview them.

*Q.* Therefore, at that time, voting against the timber policy, would be voting against the Government?

*A.* Certainly; it would be a vote of want of confidence, that is what I understood.

*Q.* So it was immaterial to these men how it was accomplished, whether on the timber policy or whether it was a vote against the Government?

*A.* It appeared to be the object they had in view to defeat the Government, and it did not appear to me to make any difference what shape it was, if they defeated the Government.

*Q.* Did you ever go to Mr. Meek, without any invitation?

*A.* Never.

*Q.* Or to Wilkinson's room?

*A.* No; well I may have; Wilkinson said to me, "I never lock my door, you may go up whenever you like and see me."

*Q.* So there was either a general or special invitation?

*A.* Yes.

*Q.* Mr. Meek asked you about the invitation to his room?

*A.* Yes; Mr. Wilkinson made an arrangement with me to see Mr. Bunting, and when I got there, I was showed to Mr. Meek's room, and they were both there.

*Q.* Did Mr. Meek express any surprise?

*A.* Not at all; he had this agreement drafted out, and the note prepared; they were not in the room, and no other person, and they appeared to fully understand their business, and what took me there, because they had the material part of the business done; Mr. Meek read this draft over for my approval, and then he went on to re-write it, and he appeared to be in a great hurry to get it done; the draft was actually drafted out, and my recollection was the note was signed; I saw the note signed; both names were on the note, no question about that.

*Q.* The very day that there was anything tangible that you could lay your hands upon you went at once and handed it over to the Speaker?

*A.* As soon as I could find him; did not keep it a moment in my possession longer than I could well do it; I was anxious to get rid of it.

*Q.* When Mr. Kirkland spoke about the currency, did he define what he meant by currency?

*A.* Well, I understand him to mean the money; he thought, I think, he could get cheques, drafts, or something passed off; he was talking about cheques.

*Q* But he must get the money itself?

*A.* Yes.

Nicholas Awrey, called by Mr. Blake, and sworn:

*Q.* You are member for South Wentworth in the Ontario Legislature?

*A.* Yes.

*Q.* And were so during the last sittings of the Legislature in January?

*A.* Yes.

*Q.* Did you at any time see Mr. Kirkland there about the House?

*A.* Yes.

*Q.* Where were you boarding?

*A.* At the Rossin House.

*Q.* Mr. Kirkland was also boarding there?

*A.* I believe so.

*Q.* How long after the session of the House opened did you first see Mr. Kirkland?

*A.* I first noticed Mr. Kirkland almost immediately after the session opened at the hotel.

*Q.* Was he frequently or the reverse at the House?

*A.* Well, he was frequently during the session.

*Q.* When was it you were first introduced to him?

*A.* He introduced himself to me on the street one day.

*Q.* About how long after the 23rd January would that be?

*A.* I think about a week.

*Q.* What was then the subject of your conversation?

*A.* He said to me, " I am a stranger, and I am somewhat interested in the timber policy of the Ontario Government; I would like to have a talk with you," and I said to him, what was the conversation that he wished to have; he said that the timber policy of the Government, in his opinion, was not in the interest of the country; he explained what he considered would be the policy that would be more in the interests of the country, and would be of advantage to those owning mining lands, too, in the neighborhood of the boundary between the United States and Canada.

*Q.* Did he know that you were a member of Parliament?

*A.* Yes, he said he had seen me in the House; we had frequent conversations; he explained what he desired, and he said that he wished the timber policy changed; my advice to him was to see the Commissioner of Crown Lands; he said that he would, but he was a stranger, and he would like to have some assistance in the matter. A few days afterwards he said he had seen the Commissioner; he asked me if I would speak to the

Commissioner; I asked him to explain his views on the question, and I said I certainly would speak to the Commissioner: I asked the Commissioner if he had had an interview with a man by the name of Kirkland; he said that he had: I asked him what his views were with regard to Mr. Kirkland's opinions of the timber policy, that would be most applicable to that part of the country; he said that it would be an entire reversal of the policy of the Government.

*Q.* Then you found that the Government had a defined policy upon the question of the timber limits?

*A.* Yes sir: I knew that they had.

*Q.* And that this proposition was one that was a complete reversal of their policy?

*A.* Yes sir.

*Q.* Did you inform Mr. Kirkland of that?

*A.* I told Mr. Kirkland that the Commissioner of Crown Lands said that his wishes could not be granted; that it was an entire reversal of the policy of the Government.

*Q.* Then did Mr. Kirkland put the matter to you in any other way?

*A.* He did not.

*Q.* Or make any offer to you?

*A.* He did not.

*Q.* Directly or indirectly?

*A.* Not until after he had told me that he had seen a number of members of the House; he did not tell me who they were, and said that they were going to vote for his policy. I used rather strong language with regard to men who would take a course of that kind, and he said, "Well, I will bet you $10,000 you daresn't vote against the Government."

*Q.* Did he then understand this as simply being a vote against the timber policy as opposed to a vote against the Government, or that it covered a vote against the Government?

*A.* That is the remark he made; I said to him, "If you continue this course, the probabilities are you will find yourself in the Penitentiary:" he said he was only joking.

*Q.* He is not a very facetious looking man?

*A.* Well, I think he was a jovial man.

*Q.* But joking, do you think so, on the occasion of the offer; did he look serious?

*A.* He looked somewhat annoyed at what I was saying; however, Mr. Kirkland in his interviews with me until that time, always said it was a policy that could be discussed upon its merits.

*Q.* How long before the 17th March was it that he put it in this other way to you, to bet you $10,000 that you would not vote against the Government?

*A.* That was just a few days before.

*Q.* Matters were culminating?

*A.* Well, he told me so, and I was aware of the fact.

*Q.* Did he tell you how many members he had been enabled to secure?

*A.* He said he had not attempted to secure them; he said they had been secured.

*Q.* Did he tell you how many ?

*A.* He said there were several ; he did not get nearer than that ; he would not tell me any of the names ; I asked him ; I don't know that he could have told me.

*Q.* Did you ever meet Mr. Wilkinson ?

*A.* Never met him, or had any conversation with him ; never met him on the platform.

*Q.* Did you ever see Mr. Kirkland with Mr. Bunting ?

*A.* I never saw him with Mr. Bunting.

*Q.* Or overhear him with Mr. Bunting ?

*A.* I heard he and Mr. Bunting in a room next to mine.

*Q.* About what time was that ?

*A.* Two o'clock in the morning, after the House had risen.

The CHAIRMAN.—*Q.* Who did you hear with Mr. Bunting ?

*A.* Mr. Bunting and Mr. Kirkland ; I could distinguish their voices.

Mr. BLAKE.—*Q.* About how long before the 17th March would that be

*A.* I think a week ; I would not be positive.

*Q.* Would it be about the same day the bet was presented to you ?

*A.* It was the night before.

The CHAIRMAN.—*Q.* It was in Kirkland's room was it ?

*A.* They were in Kirkland's room.

Mr. BLAKE.—*Q.* How did you come to hear ?

*A.* He was occupying the room next to mine ; they are a suite of rooms ; there was only a door between them and a fan light, and it was turned ; I could not hear the conversation more than I could distinguish the voices.

*Q.* You know they were there till two o'clock in the morning of the day before you had the offer made to you, which you have just referred to ; you did not know as a matter of fact what the subject of their conversation was ?

*A.* Only what Mr. Kirkland told me in the morning ; he said to me in the morning, "Mr. Awrey, did we disturb you last night ?" I said, "Not to any extent," I said "You were rather jovial ;" he said, "Could you distinguish the voices ?" I said, "Mr. Bunting was there ;" he said he was ; then he told me what Mr. Bunting's conversation was ; he said Mr. Bunting came to see him about his timber policy, and had told him that the Opposition were going to assume the responsibility of introducing a resolution in connection with it ; I asked him whether Mr. Meredith was present, and he said he was not, the night before, but there was a man representing Mr. Meredith in the room ; he told me the nature of the resolution, and I asked him if he knew what the resolution meant ; he said he did not ; I said, "It resolves itself into a vote of want of confidence," and he apparently did not understand what a vote of want of confidence meant, or he said he didn't ; I explained it to him, and I gave him a little counsel then ; my counsel was, for him to have nothing to do with any such arrangement as that ; he said he was not,—that it was the Conservative party, and it had been decided in the caucus ; I told him he was a stranger, and I trusted he was not using any unfair means to accomplish the object that he had in view ; he said he was not, as far as he was personally concerned.

*Q.* Then what was it that he mentioned as to Mr. Bunting in the conversation?

*A.* He said that Mr. Bunting had told him, as I have already mentioned, that the Conservative party was going to assume the responsibility of introducing the resolution in connection with the timber policy of the Government, and agreeing with his suggestions; he further said to me that Mr. Meredith had asked him to furnish him with the necessary documents to discuss the question intelligently, and that he had done so.

*Q.* Was it on that occasion that you went on and said, "You know that that means a vote of want of confidence?"

*A.* It was on that occasion; and it was on that occasion that he said that there was a number of men going to support this resolution on the liberal side; a number of men he said, also, were going to speak in favour of it, but vote with the Government, and I characterized those men as scoundrels, and then it was that he made this suggestion in regard to voting against the Government, but said it was in a joke.

*Q.* Had you any further interview with Mr. Kirkland subsequently to the offer he made to you?

*A.* Not until I saw him in the Police Court; I asked him if he had got his timber, and he said he had not, he had got in a jail.

*Q.* Went to stonework instead of timber work?

*A.* He told me, also, at this time, that he was giving me his confidence; it was voluntarily, too, I never sought it; that Mr. Bunting had assured him that the protest would be withdrawn against Mr. Lyon's election; he is the only man whose name he mentioned; and that the documents were all in a safe in the *Mail* building, and that he had seen them.

*Q.* That is, all the documents relative to the protest?

*A.* To the protest.

*Q.* As a matter of fact you recollect that it was looked upon then that the Government majority would be narrow?

*A.* It was understood.

*Q.* And that four or five votes would be a matter of very great moment to the Government?

*A.* Yes, sir.

*Q.* Were you also aware of certain matters between the Ontario and the Dominion Government being matters in which there was a grave dispute—Streams Bill and License?

*A.* I certainly was.

*Q.* And there had been a great struggle at the polls to endeavour to overcome the Reform party for the purpose of bringing it into harmony with the powers in Ottawa?

*A.* I was aware of that.

*Q.* A very considerable number of the elections were protested?

*A.* Yes, sir, I think in the neighbourhood of thirty-seven or forty.

By Mr. CASWELL.—*Q.* I suppose you have not heard of Mr. Kirkland taking any part in the politics of Canada?

*A.* I never knew him to.

*Q.* He had nothing to do with your election protest?

*A.* He had not.

*Q.* Or in the matters between the two Governments, between the Ottawa Government and this?

*A.* I don't know.

Mr. BLAKE.—I am not pretending that he was.

*Q.* That $10,000 bet, do you think it was a serious matter?

*A.* Well, I don't think Mr. Kirkland had the money.

*Q.* I suppose you have been quite a while at the Hotel, and had been in the habit of meeting frequently?

*A.* Yes; I had measured the man; he was a man of good social qualities.

*Q.* You did not think there was anything wrong of his making a joke of that nature?

*A.* Well, I did not feel it any compliment for any man to make a suggestion of that kind.

*Q.* You spoke to him as a gentleman, and thought it was not safe, and he said it was a joke?

*A.* That was the reply.

*Q.* As I understand, it was a proposal to bet $10,000 that you would not vote against the Government?

*A.* Yes.

*Q.* I suppose he would be sure to lose that?

*A.* Yes, sir, he would have lost it, because I would not vote against the Governme I don't think that Mr. Kirkland had any idea that I would, either.

*Q.* You say you went to the Commissioner to see him at Mr. Kirkland's request?

*A.* Yes.

*Q.* Did Mr. Kirkland's proposal seem a reasonable one to you after you had heard it, before you went to the Commissioner?

*A.* Well, I did not understand much of the nature of the country; if he represented it as it was, it was a very plausible story, still I expressed no opinion on it one way or the other.

*Q.* I suppose having gone to the Commissioner, that you must have had some idea that it was a reasonable one, or you would not have wasted your time going to the Commissioner?

*A.* I would comply with a reasonable request of almost any man.

*Q.* You must have thought it reasonable or you would not waste your time in going to the Commissioner; you were here representing an Ontario constituency and not an American?

*A.* I was not representing an American constituency.

*Q.* You must have thought there was something reasonable in his proposal?

*A.* There was something reasonable in his proposal, for he represented it from time to time.

*Q.* So you went to the Commissioner, and from your conversation with the Commissioner you changed your mind on it?

*A.* I did not change my mind at all; I had not made up my mind one way or the other.

*Q.* You did not think it so reasonable?

*A.* I did not discuss the matter with the Commissioner.

*Q.* Did the Commissioner explain to you the difference in the change?

*A.* I knew the difference.

*Q.* Did the Commissioner ask you to speak to Kirkland?

*A.* He did not.

*Q.* Then your going afterwards to him was simply your own motion?

*A.* It was my own motion.

*Q.* It was not at his suggestion?

*A.* Not at all.

*Q.* Do you think that any conversation you have ever had with Kirkland would lead him to think that if he could get the Opposition to vote in favor of this that the Government would change their policy?

*A.* Never, not from any conversation he ever had with me.

*Q.* Was there any conversation in that line at all?

*A.* Not at all with me.

*Q.* Between you and him?

*A.* Yes, he asked me if I thought it would not be a good idea for the Opposition to introduce such a resolution; I told him that certainly if the Government changed the policy it would forever close the mouth of Mr. Meredith, but I added this, that I did not think that Mr. Meredith was sufficient fool to commit political suicide.

*Q.* How did you put that again?

*A.* I said that if the Government did reverse their policy, that if the Opposition moved such a resolution, it would forever close their mouth.

*Q.* You did not give him to understand that if they moved it the Government would change in any way?

*A.* I did not, because I knew they would not; I knew they would not change the policy.

*Q.* You understand this change, that Mr. Kirkland advocated; do you think it would be a serious wrong if it were made?

*A.* I do not understand the nature of the country sufficiently to express an intelligent opinion on the question.

*Q.* It is not a thing that the two political parties would divide upon?

*A.* Well they might easily divide upon it; if the Opposition according to our form of government, would introduce a resolution in going into the Committee of Supply, regretting that the timber policy of the Government was not in a certain direction, certainly it would be a want of confidence, and there would be a division in the party.

*Q.* At some other stage it would not be a want of confidence would it?

*A.* Well, if they would introduce a motion of that description, and it was carried in the Legislature against the wishes of the Government after they expressed their opinion, it certainly would be a want of confidence in the Government.

*Q.* Supposing that the Government introduced the matter in the Speech, and a member got up and moved that in his opinion or in the opinion of the House it would be advisable to change the timber policy?

*A.* The Government then would either have to change the timber policy or resign, because they would not be in accord with the opinions of the Legislature.

*Q.* That motion, not coming up in Committe of Supply, would not be a want of confidence in the Government.

The CHAIRMAN.—It might be a want of confidence at any stage of the proceedings.

Mr. BLAKE.—Certainly; it is the general policy, whether or not it is in accord with the opinion of the country.

WITNESS.—I do not know that our constitution would compel a government to resign in such a case, but it would certainly bind the executive if the majority voted for that, or otherwise, if they could not coincide with the views of the Legislature, they would necessarily have to resign.

*Q.* Was not Mr. Kirkland more anxious to have a discussion than to have a vote?

*A.* I think he was anxious to have his pine, his timber.

*Q.* Was he not more anxious just to have the matter discussed than anything else?

*A.* Well, I imagine that Mr. Kirkland, as a business man, was anxious to have it discussed, and discussed effectually, so as to convince the House.

*Q.* Was not his line, as far as you understood it, to get the matter before the House in some way?

*A.* That is what he always said to me.

*Q.* It was not a question with him then, as far as you understood, whether one Government or the other Government granted it?

*A.* He never mentioned the defeat of the Government in connection with any matter.

Mr. BLAKE.—*Q.* This timber question is one of the important items in the country?

*A.* It is; largely our revenues are derived from the management of it.

*Q.* And the policy of the Government is very important?

*A.* Very important.

Mr. CASWELL.—There might be more revenue derived from his plan than this?

*A.* That is a matter of opinion.

Mr. CASWELL.—Mr. Fenton has been called by us; he is anxious to get away to the sea-side, and it is a little out of order to have him called at this stage.

The CHAIRMAN.—I am very anxious to get away myself.

Mr. CASWELL.—His evidence will only take a few moments.

The CHAIRMAN.—I have no objection.

FREDERICK FENTON, called by Mr. Caswell, sworn:

*Q.* You are the Crown Attorney for the County of York?

*A.* Yes.

*Q.* Did you have anything to do with the arrest of Mr. Kirkland?

*A.* I directed the detectives to arrest him; handed them the warrant; the arrest took place on the 17th March; I visited the police station that night after the arrest; I did not see Kirkland there that night; Inspector Ward produced, for me to examine, papers which he said he took from Kirkland on his arrest; I saw those papers; I made copies of some; after I got through with the papers I handed them back to Inspector Ward; I took none of them away.

*Q.* When did you see the original documents again?

*A.* The first time I saw them, was when they were produced before the Police Magistrate on the investigation before him.

*Q.* The 17th March was on Monday; on the Tuesday they were of course at the Police Court; do you mean on that occasion?

*A.* No, not then; after the adjournment, when the papers were produced.

*Q.* After the first adjournment of the Police Court you saw them then?

*A.* I did after the adjournment, saw some of them.

*Q.* Do you know whether all the documents that were with Inspector Ward were produced at the Police Court?

*A.* So far as I am aware every one of them were produced there.

*Q.* Did you take a list of them the first night?

*A.* I did not; I took no list of them; just took a copy of such as I thought it was desirable to copy.

*Q.* I am informed that on the Tuesday, when this matter was adjourned at the Police Court, on the Tuesday afternoon after the adjournment that you produced those documents up at the House?

*A.* It is not correct; I never produced any documents except the copies I took—my own handwriting copies.

*Q.* You produced that?

*A.* Yes, I produced none of the documents themselves to anybody.

*Q.* When did you order this arrest?

*A.* On the evening of the 17th March, Monday.

*Q.* Is that the first time the matter came to your knowledge?

*A.* Oh no; I had prepared the papers, the information and the warrant before then.

*Q.* When before then?

*A.* That day; I had heard about the matter first, I think, on Sunday.

*Q.* You do not think you had heard of it the previous week at all?

*A.* Never.

*Q.* Do you know whether the information was sworn to, before the warrant was issued?

*A.* It was.

*Q.* I see it bears date the 17th?

*A.* I know that; it was sworn before the warrant was issued.

*Q.* Did you furnish any of these documents to the newspapers?

*A.* I did not.

*Q.* They were produced to the newspapers?

*A.* Not through me, either directly or indirectly.

*Q.* Where were these documents?

*A.* Some of them were up in the Police Court, and I suppose they are up in the Queen's Bench, and those that are not up there I suppose are in the custody of Inspector Ward.

*Q.* Some were produced here to-day by the Speaker?

*A.* I suppose those were handed back to the Speaker; they were produced before the Magistrate, but they were handed back to the Speaker as the custodian of the Legislative Assembly.

*Q.* Those that were not sent by yourself to the Queen's Bench?

*A.* No, those that were handed back to the Speaker.

*Q.* Were there any documents of Kirkland's, returned to himself?

*A.* There were some: at the close of the enquiry before the Police Magistrate, Mr. Kirkland made an application to get back some private letters that were in no way concerned in the affair at all, that were in his pocket book with these papers, and with the consent of the Crown Counsel I gave them back to him.

*Q.* So far as you know, all those documents except the private documents were returned to the Speaker?

*A.* Yes, they were returned to the Speaker; I don't know what documents were returned here on the *certiorari* proceedings; they will speak for themselves; a schedule was made of these documents, and they will be easily got in the Queen's Bench if there are any such.

*Q.* You do not know whether there were any sent directly up or whether the Speaker got all of them back.

*A.* I could not say as to that.

*Q.* Did he not send a messenger down to bring the papers down and take them back again?

*A.* There was a messenger there, but I don't know whether the papers were given to him, or whether the Speaker got them himself.

By Mr. BLAKE.—*Q.* Are all the papers you saw on that evening, either in the Queen's Bench under the *certiorari*, or produced here?

*A.* I don't know what papers are produced here.

*Q.* There are eight papers produced here, said to be the papers that were handed back to the Speaker; do you know as a matter of fact how many papers were handed back?

*A.* I do not; I took no record of them.

*Q.* Of those that were handed back to Mr. Kirkland, did you look into those yourself?

*A.* I did; I was required to do that by the Crown Counsel, and I saw that they had nothing whatever to do with this; they were merely private letters, no way relating to it.

*Q.* Was there anything that caused you to hasten the arrest of Kirkland on the Monday?

*A.* Yes, I was afraid that he might escape.

*Q.* So you felt that it was necessary?

*A.* Yes, I urged them to use all expedition.

*Q.* That was the report?

*A.* Yes, that is what I understood; there was danger of his escape.

Mr. CASWELL.—The Police Magistrate is here, and he holds court every day at ten o'clock, and cannot tell what hour he can be here.

Mr. BLAKE.—I have no objection to his being examined now.

GEORGE TAYLOR DENISON, called by Mr. Caswell, sworn,

*Q.* You are the Police Magistrate of the city?

*A.* I am.

*Q.* Do you remember the time that Kirkland was arrested?

*A.* I remember issuing a warrant for his arrest; I should think about half-past five o'clock in the afternoon; between that and six, I am not quite sure.

*Q.* And the information that was sworn to, I suppose at that time?

*A.* I administered the oath at that time and issued the warrant.

*Q.* Do you know anything about these documents having been produced at the Police Court?

*A.* I remember documents being produced at the Police Court.

*Q.* Do you know anything about them being taken from his person?

*A.* Nothing except what I heard in evidence.

*Q.* Did you give instructions, or who is it gave instructions to these Inspectors to take documents from persons?

*A.* Well, I don't ever remember giving instructions, but it has been the rule of the police force for years and years that all prisoners on being put into the cells are searched first; that is a precaution that is always taken.

*Q.* What is the object of that search?

*A.* The object of that search is to see in the first place that they have not got weapons or property or anything that might be stolen by other prisoners; that they may not have things that could be given to other prisoners that would enable them to get out or escape; they are always carefully searched before they are put into the cells; if they are not, the police do not do their duty.

*Q.* Did you give them authority to take letters and documents?

*A.* As I told you, I gave no authority at all; this was a rule of the Force long before I was Police Magistrate.

*Q.* Even for misdemeanor?

*A.* For anything; for drunkenness. Anything they take is put up in a parcel and marked with the name of the prisoner, and then when he is released the things are given back to him. If a man has got a knife or a watch, or anything, it is taken from him.

*Q.* I understood if he had a watch you only took that from him at his request?

*A.* Oh, no; I believe those instructions are what the Police have; the Police had the instructions before my time; they have never been changed or varied.

*Q.* Suppose these documents have been hawked around the country in the meantime?

*A.* It would not be right for them to do that; I don't know that they have been told either one way or the other, but it would not be right to do that.

*Q.* When did you first know about this matter for which these prisoners were arrested?

*A.* Two detectives came up to my house sometime in the afternoon, about half-past four, in a cab, and said I was wanted; I did not know what for; that was Monday the 17th March, and I drove down to the town and saw Mr. Fenton, and he told me that there had been some attempt to bribe the Legislators and so on, and I had some conversation with him; the information was drawn out, and I looked over some law books about the law on the subject and discussed it with him to see what should be done. I suppose we may have had fifteen or twenty minutes' discussion about it, and then I issued a warrant.

*Q.* Did you give any instructions to search their hotel trunks?

*A.* No, I gave no instructions except to issue the warrant against the two and to serve the summonses the same night against the other two, who were citizens of Toronto, and it was not thought necessary to issue warrants for them.

*Q.* These prisoners appeared on Tuesday morning in the Police Court the next morning after the arrest?

*A.* I fancy so.

*Q.* Did you give any instructions to Inspector Ward to take these documents away from the Court to any other place?

*A.* Well, I can't say that I gave him instructions; he came to me and told me that he had received a summons from the House to take some papers which were in his custody to the House, and I told him to obey the summons but to explain that they were impounded for the use of the Court, that they would be required, as I understood, for the use of the Court, and that they were in the custody of the Court, and to bring them back again, when I afterwards was informed by him that a certain number of the papers had been detained by order of the House.

*Q.* Then all the documents that he took away were not brought back to you?

*A.* I don't know what he took away, I did not see them; I don't know what he brought back, I don't remember; the papers were brought back, most of them; all the important ones that were used in the trial were brought, some by Speaker Clarke himself, and some by his clerk, and under the promise that I would allow them to be handed back as soon as they were used, and every day they were handed back into the custody of the Speaker, through his clerk, who sat there during all the time of the trial.

*Q.* You told Inspector Ward that they were impounded?

*A.* I told him he was holding them for the Court, and when he took them up there they carried a resolution in the House keeping them, and he came back and reported that to me, that they had kept a number of the papers; when they were subpœnaed to bring them down (I think the Speaker was subpœnaed), there was considerable discussion in the Court as to whether, when they were put in, I would keep them or not, and after considerable discussion the Speaker promised that he would have his clerk there to show them all the time, as they were wanted, as long as the proceedings lasted, and that I was to give them back to him all the time, as the House had passed this resolution; and I accepted that, and every day as they were used I handed them back to the Speaker's secretary; and he came down the next day, and as they were used they were looked at and handed back; they have never been in the hands of the police since that day they were taken to the House; they were temporarily used in the Court at the hands of the clerk.

*Q.* The prisoners cannot get the documents back?

*A.* They cannot get them back from me, anyway; the case has gone to another Court.

By Mr. BLAKE.—*Q.* You have not got these papers in your possession at all?

*A.* I have not; I never did have them. The Inspector had them for some time.

*Q.* All you know is that the Inspector had some papers, and some, under a summons of the House, went there?

*A.* Yes; I never saw them till after they came back from the House; I never saw the papers till these came back.

*Q.* Those that came back, what did you do with them?

Mr. BLAKE.—Is there any particular paper, Mr. Caswell, that you desire to get?

Mr. CASWELL.—All we want is, that those papers were taken from us; we want to trace them out.

WITNESS.—I think at the end of the investigation before me, an application was made before me by Mr. Kirkland's lawyer that he should have back papers that had no reference to this, and I consented to that as far as I was concerned; I think those papers were in the possession of Inspector Ward and Mr. Irving, or Mr. Fenton; I presume Mr. Fenton looked them over, and I presume gave them back; I gave him orders that any papers that were not connected with the case should be given back.

*Q.* You have no papers?

*A.* I have none; some went with the *certiorari*, and Mr. Speaker got the others; they were never in my possession except just temporarily on the table.

*Q.* They were taken by Inspector Ward up to the House?

*A.* Of course he did not produce them before he took them up to the House; he came and said he had a summons; that was before the case came on before me; in all cases where prisoners are arrested, I understand it is a standing rule of the Force that they are always searched, and any property taken from them,—in fact, only the other day we had an investigation because a man was searched, and by some means they escaped discovering one hundred and odd dollars that the man had on his person, and it was stolen from him afterwards, and I had to investigate to see how it was he was not properly searched; it was stolen in his cell and passed to some one outside.

*Q.* Your rule is very strict?

*A.* I have always understood that was the rule; I have never seen any good reason for varying it.

Mr. Caswell.—It would be a a good rule if we were furnished with the names of witnesses the day before they are going to be examined.

The Chairman.—I cannot direct that any particular witnesses shall be examined on any particular day.

Mr. Meek.—Would your Lordship allow me to ask the witness, Mr. McKim, a question before he goes.

The Chairman.—Yes.

Robert McKim, recalled, examined by Mr. Meek:

*Q*. Who prepared the written statement of your evidence that you read, or attempted to read before the Committee of the House?

*A*. It was the short-hand writer wrote it out; I dictated it and he wrote it.

*Q*. Who was it?

*A*. Mr. Gibson; he took it down in short-hand first, and then wrote it out; I corrected it afterwards.

*Q*. Did any person else see it and go over it too?

*A*. Not in my correcting; Mr. Pardee saw it, but I did the correcting.

*Q*. Before it was brought before the Committee of the House?

*A*. Yes.

*Q*. Did any person else see it?

*A*. Not that I know of.

Mr. Blake.—You made the corrections?

*A*. I made the corrections.

*Q*. Were any alterations made afterwards?

*A*. They were all made by myself, by my own order.

*Q*. It was simply to show what you could say, that you made the statement out?

*A*. Yes, I prepared the statement myself, and I prepared nothing that I was not prepared to stand by.

Court adjourned at 5.30 p.m. till 10 a.m. to-morrow.

## SECOND DAY.

Toronto, Tuesday, July 15th, 1884.

The Commission opened at ten o'clock.

Mr. Meredith.—There are certain members of the Government party and the Opposition who have been subpœnaed in this trial. Public meetings are now being held in certain portions of the Province by members on the Government and Opposition side respectively, in the discharge of what they conceive to be their public duties, and for the purpose of meeting the electors. I have been speaking to Mr. Blake and Mr. Johnston to see if it could not be arranged that a day should be fixed, earlier than which such members should not be required to be examined. The elections in Muskoka are to be held on Wednesday week. I was going to ask the Comissioners whether, in view of these circumstances, it could not be arranged that we should not be called until that time.

The CHAIRMAN.—You do not propose to stop the investigation on that account?

Mr. MEREDITH.—Oh, no; we would like simply to arrange the time, as these witnesses have to perform what they regard as their public duty.

Mr. BLAKE.—We are quite willing to assist in that way as far as possible, as I think my friend Mr. Johnston told Mr. Meredith. We said if you leave us the name of a place at which we can telegraph you, and from which you can come within twenty-four hours, we will be quite willing; but we do not know in the first place whether it is the intention to call many, or any, of these witnesses. It was the intention to have them subpœnaed, so that if it was desired by any of the other parties they would be on hand before the Commission. So I think it could be arranged with Mr. Meredith in a few minutes as to which witnesses may be called, and as to the others, so far as I am concerned, I would have every disposition to accommodate him in that matter. What we desired was, that any name suggested who might be needed, and a good many others as to whom there was no suggestion, we subpœnaed, and paid their expenses, and had them here, so that if the Commission desired, or the counsel representing any person desired, they could be examined. I have gone through the case with Mr. Johnston, and I do not think that as to a good many of these, we would call them at all.

Mr. MEREDITH.—I quite agree with Mr. Blake as to Mr. Johnston's desire to accommodate us, though that does not agree with what was suggested in one of the newspapers, that all the members of the Opposition would not want to be back from Muskoka to attend the enquiry.

Mr. BLAKE.—I think if I were to read the papers I could light upon some column which I do not think my learned friend would like to have presented against him.

Mr. MEREDITH.—It certainly would not do to have these witnesses called by telegram on 24 hours' notice, after, perhaps, a meeting had been called. My suggestion would be that as there are only 4 of them—

Mr. BLAKE.—If you will give me the names I will tell you in a moment whether we will want them or not.

Mr. MEREDITH.—But these gentlemen *desire* to be examined; they do not want the enquiry to close *without* their being examined.

The CHAIRMAN.—From when do you propose that they should be at liberty? From now?

Mr. MEREDITH.—Yes.

The CHAIRMAN.—Could they not be examined now

Mr. MEREDITH.—Yes, if that would suit Mr. Blake; though I do not know that that would be satisfactory, for until the whole matter is closed they do not know what they might want to answer.

The CHAIRMAN.—I think the application is a reasonably enough one under the circumstances. We agree that these gentlemen should not be examined until after the elections.

Mr. BLAKE.—Unless we desire to prolong the investigation I do not think it will take until anything like up to Thursday week; so that there would virtually be an interlude.

The CHAIRMAN.—We are anxious to get through with the investigation for many reasons.

Mr. MEREDITH.—I can quite understand that. But your Lordships will see that this other matter is, as we conceive, a public duty.

Mr. BLAKE.—So far as those are concerned who are supporters of my hon. friend—the other party—they could simply go on the understanding that there is a station and a telegraph office where they could be reached, and from which, in order to return in time, they could come.

Mr. MEREDITH.—What does that amount to when the persons retained by my hon. friend are the persons to be examined?

Mr. BLAKE.—They must be summoned by Friday or Saturday of this week to be examined at all.

The CHAIRMAN.—I suppose that it being an election they want to see it through, I do not think it would be very reasonable to undertake to call them back upon a telegram.

Mr. BLAKE.—I simply intimate to the Commissioners that I do not think the enquiry will last further, so far as I am concerned, than until Thursday.

The CHAIRMAN.—Then we will have to go back again—a thing which we are very unwilling to do; but at the same time, as the request seems to be a reasonable one, we would like to accede to it.

Mr. BLAKE.—Who are the four gentlemen?

Mr. MEREDITH.—Mr. Carnegie, Mr. Creighton, Mr. Ermatinger and myself.

The CHAIRMAN.—Our ruling is, so far as these gentlemen are concerned, they are not to be called before Friday week, the 25th inst., and they are to be examined on that day.

WILLIAM WARD, called by Mr. Blake, sworn.

*Q.* You are an Inspector in the Toronto police force?

*A.* Yes; No. 2 Division.

*Q.* And you got some papers from a Mr. Kirkland on the evening of the 17th March last?

*A.* About 9 P.M. on the 17th of March last Mr. Kirkland was brought to No. 2 Police Station by Mr. Rogers.

*Q.* He is a detective?

*A.* Yes, so far as I know, a Government detective; he was brought there on a warrant charging conspiracy.

*Q.* Then as to the searching for the papers?

*A.* Mr. Kirkland was put in the corridor, and it was then suggested—it had been quite overlooked at the time—that he should be brought out and searched; he was brought out and searched by Mr. Rogers and Sergeant Breckenreid.

*Q.* You were present?

*A.* Yes, I was present.

*Q.* And those papers were found?

*A.* The papers found on him were handed to me by Rogers.

*Q.* Were those five the papers?

*A.* Yes, sir.

*Q.* Those papers were found on him?

*A.* Yes.

*Q.* Then did you also search Mr. Wilkinson?

*A.* Wilkinson was brought to the station about 5 minutes after Kirkland on the same night by Mr. Murray on a warrant; he was searched, or rather he searched himself in my office, and handed out what papers he had to me.

*Q.* Were those three among the papers?

*A.* Yes, those papers were found on Wilkinson.

*Q.* Now, you were asked before as to whether you found a paper on either Kirkland or Wilkinson that was signed, and had Mr. McKim's or Mr. Lyon's name—a paper similar to that (exhibiting paper to witness)?

*A.* No; well, the papers were not examined, of course, until Mr. Fenton came to the station; he and I examined them together.

*Q.* Then you made a thorough examination?

*A.* Yes, and those papers required to be kept were put aside by Mr. Fenton.

*Q.* Did you find a paper with Mr. Lyon's or Mr. McKim's name?

*A.* No, sir.

*Q.* And these three papers were found with Wilkinson?

*A.* Yes.

*Q.* Then had you anything further to do with the papers?

*A.* Well, I kept the papers I should say about—I think it was between six and seven the following day—I was subpœnaed to produce the papers before the Legislature.

*Q.* Then they at once strayed from your custody?

*A.* Yes.

*Q.* But no person had them but yourself until the Legislature got them?

*A.* No, sir

*Q.* As to the searching, was it according to the practice of the police?

*A.* Yes; I have been over 20 years on the force, and it has been the usual practice to search every prisoner brought to the station for the purpose of preventing crimes in the cells, and for protecting one another.

*Q.* That is the universal practice, and you followed it?

*A.* Yes.

*Cross-examined by Mr. Caswell:—*

*Q*. Did you make a search yourself on Mr. Kirkland?

*A*. No, but I was present.

*Q*. Did he voluntarily give up the papers?

*A*. Yes, he voluntarily gave up the papers.

*Q*. Did you say anything to him to lead him to suppose that he had to give them up

*A*. I did not say anything to him.

*Q*. Who made the search?

*A*. Rogers.

*Q*. Detective Rogers the man who arrested him?

*A*. Yes.

*Q*. Does he belong to the city police or detective force?

*A*. No, he does not.

*Q*. It is your practice to search every prisoner, no matter for what crime he may be arrested, even for drunkenness?

*A*. Yes.

*Q*. And the papers were taken from him?

*A*. Yes.

*Q*. Were they left so that any person could have access to them that evening?

*A*. Well, I may say that really there was no importance attached to them until after they had been examined by the Crown Attorney; but in answer to your question I may say that I had to leave the station for about an hour or an hour and a half somewhere about 9 o'clock or 9.30, or perhaps I left earlier, and the papers were left on my desk. Sergeant Breckenreid was left in charge of the station, but I really considered them in my possession all the time.

*Q*. Had any person permission to go in?

*A*. Certainly not.

*Q*. Any person visiting the station?

*A*. Not without the sanction of the officer on duty; that was Sergeant Breckenreid.

*Q*. Beyond him no other person could have access to them?

*A*. No.

*Q*. Unless they violated the rule?

*A*. Well, I suppose they would have to forcibly violate the rule.

*Q*. Is there anything to keep the public from touching them; is there a barricade?

*A*. An office is partitioned off, and no person is allowed inside except with the express sanction of the officer on duty.

*Q*. Is it a separate room?

*A*. No, the same room only partitioned off about five or six feet high.

The CHAIRMAN.—Have you lost any papers?

Mr. CASWELL.—We want to find out whether they are all here. These people took the papers from him and did not supply a list as they should have done.

The WITNESS.—I have some of Kirkland's papers now which I am keeping under command of the Court, or of the County Crown Attorney. After the trial before the Court, all the papers not left in charge of the Court were re-examined by Mr. Fenton, and Mr. Kirkland was given all the papers that Mr. Fenton thought it proper he should have. The others I have now in my custody.

*Q.* They are all either in Court or in your possession?

*A.* He had some returned to himself, but with that exception, yes.

*Q.* You say the Court has some?

*A.* By that I mean the Legislature.

*Q.* Then there were three sources; what Kirkland took himself, what you have, and what the Privileges and Election Committee took; these form all the documents?

*A.* Yes.

*Q.* Did you produce the documents between the time he was arrested and the Police Court proceedings to any other body or person than the Committee on Privileges and Elections?

*A.* Only to Mr. Fenton.

*Q.* That night?

*A.* Yes. That was the only time I saw them—when they were examined then.

*Q.* No other person had access to them between the time you took them from him and produced them before the Police Magistrate, except the Committee on Privileges and Elections?

*A.* No other person.

*Q.* No member of the Government?

*A.* No.

By Mr. BLAKE.—*Q.* Where are those other papers?

*A.* In my desk in the office.

*Q.* I think you had better produce them. I presume the Commissioners desire that they should be produced.

Mr. CASWELL.—We have been trying for months to get copies of these papers. When we applied to the Police Magistrate he sends us to Inspector Ward, and when we apply to Inspector Ward, he sends us back to the Police Magistrate, and so on.

The WITNESS.—I beg your pardon. There has never been an application made to me for those papers since I have had them.

Mr. BLAKE.—If my learned friends had applied to me they would have got them.

(Papers ordered to be produced.)

Col. C. T. GILLMOR, recalled by Mr. Blake, and sworn.

*Q.* You are Clerk of the Legislative Assembly ?
*A.* Yes.

*Q.* And have the custody of the minutes of the proceedings of that body ?
*A.* Yes.

*Q.* Have you got them here ?
*A.* Yes. (Producing them.)

*Q.* For what date was the House called at the last Session ?
*A.* The 23rd of January.

*Q.* Have you got copies of the Minutes of the House ?
*A.* I can leave the originals in Court.

*Q.* Will you tell me what was the date of the first vote which was taken ?
*A.* It was on the morning of the 6th of February.

*Q.* And what was the division upon that vote ?

*A.* There was a paragraph in the Address read, and Mr. Meredith moved the following amendment (witness here read amendment from Minutes of the House), upon which Mr. Hardy moved in amendment to the amendment as follows, (witness read amendment to the amendment from Minutes of the House). For the amendment to the amendment there voted 45 ; against it, 33.

*Q.* Do you know upon any Government measure what was the narrowest majority there was during the holding of the Session ?
*A.* I could not say, but it was in or about twelve.

*Q.* That seemed to be about the normal condition ?
*A.* Yes.

*Q.* Further on there was a resolution of the House that there should be a commission appointed to examine into these matters ?
*A.* You mean this present one ?

*Q.* Yes.
*A.* Yes.

*Q.* Please turn to the page.
*A.* It was on the morning of the 25th of March.

*Q.* Kindly read that resolution.

*A.* There was a report presented by the Privileges and Elections Committee recommending a commission, and Mr. Fraser moved, seconded by the Attorney-General as follows, (witness read resolution from Minutes of the House).

*Q.* Was that passed unanimously, or was there a vote ?
*A.* There was no vote ; it was unanimous.

*Cross-examined by Mr. Caswell :—*

*Q.* Have you the bills as passed —the different readings ?
*A.* Yes.

*Q.* Have you the one on elections passed the last night of the House?
*A.* Yes.

*Q.* Was it all passed during that one night, the 25th?
*A.* Oh, no, it went through several stages.

*Q.* Were any amendments made to it the night of the 25th or the morning of the 26th?
*A.* It was the morning of the 25th.

*Q.* There is one clause in the Act, the 46th. Was that in the Act when it passed the 3rd reading?
*A.* The Act respecting Enquiries into public matters?

*Q.* Yes. Is that the form in which it passed the third reading?
*A.* Yes, that is the place where the clause should be.

By Mr. BLAKE.—*Q.* Is that the roll of the House?
*A.* Yes.

*Q.* And it is signed by the Lieut.-Governor and by yourself?
*A.* Yes.

By Mr. CASWELL.—*Q.* Is that (handing witness a document) the form of the Act as distributed to members?
*A.* Apparently it is.

*Q.* Would that indicate the form in which the Act passed?
*A.* There might be typographical errors. This other is a *bona fide* document.

*Q.* This is the form which was submitted to members and passed the third reading. It would be passed in that form unless some members were moving an amendment?
*A.* Yes; but as I say this is the official document.

*Q.* Do you notice whether the 45th and 46th paragraphs are there?
*A.* Yes, I have seen this before.

*Q.* Is that the form in which it passed the House? Where was the mistake?
*A.* Certainly not by the Clerk.

*Q.* Is that the form in which it passed the House?
*A.* No, this other is. There may be typographical errors.

By the CHAIRMAN.—*Q.* Sections 45 and 46 are in the order they were in in the last edition of the Gazette?
*A.* Yes.

By Mr. CASWELL.—*Q.* Was there an error in the first edition of the *Gazette*?
*A.* Certainly.

*Q.* This was not the form in which it passed the House?
*A.* No, the other is.

By Mr. Meek.—*Q.* How do you know that was the form in which it passed the House?

*A.* I am quite aware of the fact; I was present when this clause was passed; this section was passed on the night of the 24th, or the morning of the 25th, and I got distinct instructions from the Attorney-General; "recollect," he said, "this is to go before the clause relating to Committees of Enquiry."

*Q.* Do you produce the MS. copy of the Act?

*A.* No, it is probably in "pi;" this was between two and four o'clock in the morning, and I sent instructions to the Law Clerk next morning to let the Attorney-General see the bill before it was printed off, because there might be difficulty about this clause.

*Q.* That was after it had passed the third reading?

*A.* Yes.

*Q.* You thought there might be some difficulty then?

*A.* Yes, about the position.

*Q.* It was in the position in which it appears in the first issue of the *Gazette*?

*A.* I pinned it in the blank copy to be printed in its place.

The Chairman.—I do not think we need indulge any further in this examination, for we have the Roll of the House, which is signed by the Lieutenant-Governor and the Clerk, and we cannot go behind it; we cannot go into an investigation of the regularity of the proceedings of the House.

Mr. Meek.—I submit to the decision of the Court, but, at the same time, if there has been any fraud practised, I think we should be allowed to investigate it.

The Chairman.—We cannot assume that there has been any fraud practised.

Mr. Meek.—We do not ask your Lordships to assume it, but we ask to be allowed to prove it.

The Chairman.—I do not think we can enter into a consideration of that kind, or take evidence upon it; we must take the Roll of the House as an authentic record of its proceedings.

Mr. Meek.—Supposing there has been a tampering with the roll?

The Chairman.—In that case you may have to make application to impeach the Ministers.

Mr. Meek.—How can we do that, unless I show it here? I propose to show that this was the way in which the Bill passed the third reading of the House; that it passed in this form.

The Chairman.—What the Commission has to do is to enquire into the alleged attempts to corrupt members of the Assembly; it has nothing to do with the passing of the Act at all.

Mr. Meek.—Another thing in furtherance of that view is, that it appears by the *Gazette* of the 29th of March, exactly as in this copy of the third reading of the Bill.

The Chairman.—Corrected three days afterwards.

Commissioner SENKLER.—The roll of the House being the original record, I really cannot see how we can go behind it.

*Q.* Can you tell me when that roll was signed?

*A.* Of course; I signed it on the 25th of March, and it was a day or so before His Honour signed it.

*Q.* How much longer?

*A.* I could not say; I have to make three copies for him to sign, and it takes a day or two.

*Q.* Was the alteration made after it was signed

*A.* Certainly not.

*Q.* You say that the sections were changed after the third reading?

*A.* I do not say anything about the changes.

*Q.* I understand the bill passed its third reading as it is here?

*A.* I know nothing about that. It is a mistake for which I am not answerable.

*Q.* In the first place the Bill is in Committee of the Whole, and then it is reported with any amendments made in Committee.

The CHAIRMAN.—I think we have intimated our opinion clearly, that we cannot enter into this question.

Mr. MEEK.—I put in a copy of the *Gazette* on the 29th of March, and a copy of the Bill as read the third time.

The CHAIRMAN.—I do not think that this is a question that we can enquire into. I do not think these documents are evidence, though you can put them in.

By Mr. BLAKE.—*Q.* That which you produce is the original roll of the House duly signed by you and by the Lieut.-Governor?

*A.* Yes.

*Q.* Signed by you on the 25th, and by His Honor a few days afterwards?

*A.* Yes.

By the CHAIRMAN.—*Q.* The Act was passed as it appears on the records of the House?

*A.* Yes.

Mr. MEEK.—I understand him to say that he assumes that to be the case, because it is signed.

Mr. BLAKE.—No, the Attorney-General told him where the clause was to go, and it went there.

Mr. MEEK.—He told you *that* after the Bill passed the 3rd reading?

*A.* No, in Committee of the Whole before it passed the House.

*Q.* Did you put in the paragraph?

*A.* I pinned it in the proper place.

*Q.* Did you number the paragraphs?

*A.* I would not undertake to say that.

*Q.* Whose duty is it to number them?

*A.* Practically the clerk does it, though the Chairman of the Committee is supposed to do it.

*Q.* Do you recollect if you numbered them or not?

*A.* No, I cannot recollect.

*Q.* Mr. MEEK.—I submit that the Chairman of the Committee, who is here, should be heard on that point.

Mr. BLAKE.—I am not going into a point as to which the Commission has resolved that we have no right to enter upon it.

The CHAIRMAN.—I think we have no right or authority to investigate the proceedings prior to the passing of the Act. The Act itself is upon the Roll of the House, and that is indubitable evidence as to what the House did.

Mr. MEEK.—The court will kindly note that we tender the evidence.

WILLIAM D. BALFOUR, called by Mr. Blake, and sworn:

*Q.* You are the member for the South Riding of Essex?

*A.* Yes.

*Q.* And you were so during last year, and were present at the sittings of the House during its session this year?

*A.* Yes.

*Q.* There had been, I believe, a very considerable struggle at the elections preceding that session in the Province of Ontario?

*A.* Yes.

*Q.* A strong feeling on the part of some as to the power of the Dominion, and some others as to the Local Legislature—more or less friction which existed between the Legislatures?

*A.* Yes, between the Dominion and the Local Legislatures.

*Q.* And it was very keenly contested?

*A.* Yes.

*Q.* Had you known Mr. Wilkinson before that session?

*A.* No, I had never met him, though I had heard of him.

*Q.* You know whom I mean?

*A.* Yes, John A. Wilkinson, known as "Big Push."

*Q.* His Christian name is John A., and his given name is "Big Push." Did you know Mr. Kirkland before?

*A.* No.

*Q*. Did either of these gentlemen see you in connection with your vote or interest?

*A*. Mr. Kirkland saw me. I met him some time during the early part of February. I think that was the first time, though he had been pointed out to me.

*Q*. Where was that?

*A*. At the Walker House.

*Q*. Had you then any conversation with him?

*A*. Nothing special at that time nor for some time after that, though I saw him coming and going frequently. It was some time in the month of March before I had any particular conversation with him.

*Q*. Had you any particular conversation with Mr. Wilkinson earlier than with Mr. Kirkland?

*A*. No. I had seen Wilkinson in the Walker House coming and going to his meals, and he was pointed out to me, but I never became acquainted with him until subsequently to my interview with Kirkland.

*Q*. When was your first particular interview with Kirkland?

*A*. The first particular interview I had with him was on Tuesday, the 11th March.

*Q*. Where was that?

*A*. It was in a room generally known as the card room, in the Walker House.

*Q* What was the subject of the conversation?

*A*. He asked me to come in. There was some other gentleman, Mr. Lees I think, with whom he was talking, and he said he wanted to see me before I went to the House that morning. When Mr. Lees left him, he asked me to go in and sit down. We sat down and he began to talk to me about what he was doing in the city, what he was there for; he said he had been trying to get the Government, through some of the friends of the Government, Mr. Lyon and others, to make some change in the timber policy of the Government, and he went on to explain the change. He wanted to have the timber and the lands sold outright, without any payment of timber dues afterwards. He said he had been making efforts with Mr. Pardee to get him to make that change of policy, especially for the western sections of Algoma, but he said that he had failed so far in getting Pardee to do anything, at least he had very little hope; but he thought he would himself make an effort to get some change made if he could. What he proposed now was that the matter should be brought up in the House. He had some lands, it appeared, in the States, adjoining the lands in our North West districts, and he wanted full possession of those lands, and what he proposed now was, that some members supporting the Government should get up on the floor of the House and speak in favor of his policy.

*Q*. Perhaps you could tell us whether the Government had a defined policy on this question of timber?

*A*. Yes, as I always understood the matter.

*Q*. Define shortly what was the difference between the policy of the Government and that proposed by Mr. Kirkland.

*A*. I had not gone into the policy of the Government particularly, but as I understood it the Government sold the right to cut the timber for certain sums at public auction, and that when the timber was cut dues had to be paid by the parties having the right.

*Q.* There was no right to the soil?

*A.* No.

*Q.* The land was there to be dealt with by the Government?

*A.* Yes.

*Q.* His idea was that there should be an out-and-out sale of the land, the timber and everything?

*A.* Yes.

*Q.* So that the buyer would be an out-and-out possessor?

*A.* Yes.

*Q.* So that was the difference between the two policies?

*A.* Yes, he wanted to get control of everything on the land.

*Q.* It was to be treated as Mining land, which you can buy out and out?

*A.* Yes, somewhat similar.

*Q.* Did he mention that he had been endeavoring to purchase the Government?

*A.* He said that he had been making efforts with Mr. Pardee, and he tried to show me in the first interview that it would be more advantageous to the Province to have the land dealt with in this way, because he said there was nobody to look after it and the land would be burnt over. I remember him stating something of the kind that if he did not get this change the result would probably be that the land would be all burnt over and would be no good to the Government. If he got it he would send in men to look after it, because it would be an object to him.

*Q.* After presenting the question to you in one way, did he present it in any other?

*A.* This was the first interview, and he said Lyon was going to have the matter brought up on the floor of the House, but that he would not be able to present his views as he would like them presented; and what he wanted to do was to supply me with material to make a speech in support of his policy.

*Q.* Was there anything said about the position of the question?

*A.* He said he had presented his case to Mr. Meredith and some other members of the Opposition, that he had shown the matter to them, and how the land law; that Mr. Meredith and those of the Opposition to whom he had shown his plans were favourable to his policy.

*Q.* Was anything said about an amendment by the Opposition?

*A.* I do not remember positively whether it was at this first interview or not; I think there was, but if not, there was at a subsequent one—that the Opposition were going to move an amendment on going into Supply, approving of his view on the timber policy; he had not then asked me to vote; he said if you don't want to vote against the Government, get up and speak in favour of my policy, and perhaps then, by some members on the Government side speaking in that way, I will obtain what I want.

*Q.* That was the first interview?

*A.* Yes.

*Q.* And it was at a subsequent interview that he mentioned that the Opposition were going to propose an amendment?

*A.* Yes.

*Q.* Did he ask you what you should do as to that amendment?

*A.* He finally did ask me to vote for the amendment, and against the Government; his request was conveyed in this way—that there were other parties who wanted to know what I would take and vote against the Government.

*Q.* Did he mention who the other parties were?

*A.* Well, he finally at a subsequent interview mentioned Mr. Wilkinson and Mr. Bunting with whom he had had some conversation.

*Q.* He wanted to know ultimately what you would take to vote against the Government?

*A.* He said they wanted to know; he did not ask me out and out on his own behalf.

*Q.* After the first interview with Kirkland, when did you have the next interview?

*A.* Well, I communicated the substance of the interview to Mr. Pardee, explaining Kirkland's views.

*Q.* Did you give him any warning?

*A.* No, at that time I was not aware of anything of the kind going on; I merely told him what Kirkland had said.

*Q.* The edge of the wedge was so thin then that you did not think it dangerous?

A. No, I did not perceive that Kirkland was working for anybody but himself.

*Q.* With whom was the next interview?

*A.* I next saw Wilkinson.

*Q.* How long after the 11th?

*A.* It was on the Thursday.

*Q.* How did you come to see Wilkinson?

*A.* After dinner, I was in my room in the Walker House, which is next to the one Wilkinson was occupying, mine being 10, and his 9, and Mr. McKim occupied a room near to mine; he came in and said Wilkinson had asked him to ask me to go and see him.

*Q.* Did you go in?

*A.* Yes, I stepped into the next room.

*Q.* That was on the 13th?

*A.* Yes.

*Q.* Did you see Wilkinson?

*A.* Yes, McKim introduced Wilkinson to me. I had not known him personally until then.

*Q.* What did Mr. Wilkinson talk about?

*A.* Along with myself he first talked about general matters, and he finally branched off into political matters, and asked me what I thought about a coalition—a change of Government in the Local House. He said it would be an advantage to the country to do away with so much party strife, especially in local matters, and that by having a Coalition Government which would not work antagonistic to the Dominion Government, the Province would more readily get her rights. He said it was proposed to form this Coalition Government and take in three members of the Opposition—three leading members. He mentioned them, and gave me his opinion of their special qualifications, their faults and so on. The three were Mr. Morris, Mr. Meredith, and Mr. Creighton. He said Mr. Meredith would go into the Coalition as Premier and Attorney-General, Mr. Morris as Minister of Education, though he did not suit him altogether for the position, and he said Mr. Creighton would be the best man in the House for Treasurer. He said Mr. Meredith had some faults, but that he was the best they had, and he specially mentioned Mr. Creighton as being the best for Treasurer. He said an equal number of members would be given to the Liberal side of the House in the proposed Coalition.

*Q.* Then, was anything definitely presented to you on the question of Coalition?

*A.* You mean in regard to other members.

*Q.* No, as to how it was to be accomplished?

*A.* He said they wanted the support of a sufficient number of members supporting the Government to defeat the Government of course, and when they went out of office this Coalition commenced of those three Opposition members, and three on our side were to come in.

*Q.* His first object was to defeat the Government, and the second to form this Coalition?

*A.* Yes.

*Q.* Anything further as to the particulars of it?

*A.* Yes, he said they would have to have a Coalition because they could not go to the country at the present time with any hopes of success against the Liberal party. He said as long as Archbishop Lynch was alive and exercised his influence in favour of the Government there were no hopes, but they were in hopes of getting a sufficient number to defeat the Government, and to carry on the Coalition Government to the end of the term, and by that time the Archbishop would be dead and out of the way, and there would be some hopes of success.

*Q.* His first proposition was to defeat the Government; his second was that it was useless to go to the country to defeat the Government, and his 3rd was that they were to have a coalition, and with it to try to fulfil the prophecy "that Mowat must go?"

*A.* Yes.

*Q.* Did he continue the conversation

*A.* Yes; after mentioning those three who were to be members of the Government I asked him what chances the Liberals were to have in the coalition with regard to members in the Government; he went on to state that there would be three Liberals taken in; he wanted to know if I would be willing to go in so as to do away with party strife; they would be prepared to do anything reasonable—prepared to satisfy me for my vote against the Government.

*Q.* He first wanted you to take in all the Liberals and then to take in three Liberals?

*A.* He wanted to get over as many as would turn the scale—four or five, or something like that.

*Q.* Any further details as to the plan? Did he mention any person as assisting him in this means of benefiting the country?

*A.* He said some other parties were working with him; it is just that possible I may get some things which took place at a subsequent interview together with this, but he said of course that he was prepared to offer me anything I might state, in the way of a shrievalty office, or advertising for my paper from the Departments; that he was in a position to get that if I would only state it; he mentioned Mr. Bunting as being interested in this matter, and he said Bunting was anxious to have a change, and was working with him.

*Q.* Who is Mr. Bunting?

*A.* He is editor, or at least proprietor, of the *Mail*

*Q.* A Toronto newspaper?

*A.* Yes.

*Q.* Did you know Mr. Bunting?

*A.* He was around the House a good deal during the session; I had him pointed out to me, but I never met him to know him.

*Q.* Those he referred to as being desirous of having this accomplished were Mr. Bunting and others?

*A.* Yes, of course, he referred to influence at Ottawa; these offices and the patronage were to be from Ottawa and to be given through the Dominion Government.

*Q.* Did he mention that Mr. Bunting had any influence with the Dominion Government?

*A.* He wanted me to see Mr. Bunting; this was in the evening, and he asked me to see him on the Friday, and he would appoint an interview; this was on the evening of the day I had the first interview.

*Q.* And offered you the Dominion offices—the registrarship and the Dominion advertising?

*A.* Yes.

*Q.* How did he offer you the advertising?

*A.* I publish a newspaper in Essex.

*Q.* And also money?

*A.* He said he would be willing to give me a guarantee of $1,000 or $1,200; he would pay me that much down as a guarantee of the office, and after the vote he would give me, say, another $1,000—not fixing the sum definitely—that I would get any office that I might decide upon. This sum was to be the guarantee. On the Thursday just after I left Wilkinson and went to my own room, Kirkland followed me into my room. He seemed to have been watching for me, because he came right into my room, shut the door, and sat down. He said he had mentioned the previous interview, and he would pay me for my speech. He would pay me, and I could charge it as editorial in the paper, or otherwise, and he would pay me $1,000 or $1,200. He said he had no currency with him yet, but he read a letter from a Mr. Peters authorizing him to use $100,000 to influence legislation, and said he expected this money though he had no currency. He said if I made this speech he would give me a draft, if I would risk that to secure me the money. He would give me a draft for $1,000 or $1,200.

*Q.* Would you recognize the letter?

*A.* I think so. I think the letter shewn me is the same letter. (Letter signed R. G. Peters, dated 25th December, put in.) Up to this time Kirkland had not mentioned other parties. He said he had nothing to do with anything else going on, and did not seem to be working in connection with them. I did not give him any satisfaction. No promises had been exacted by any of the parties up to that time, and I had made no offer of what I would take, or anything of the kind.

*Q.* Did he say when it was probable the vote would come on?

*A.* Well, he expected it soon after his first interview.

*Q.* He mentioned that to you?

*A.* Yes, he thought the matter would be up in the House, and he was anxious to have it settled when the vote came up. I told him I would like to know in advance when the vote was coming on, if there was such a vote. On the Friday I saw Mr. Wilkinson again—that would be the 14th. I had not gone to see Bunting. I had told some members of the Government that I did not care about bothering with these parties, that Wilkinson had arranged an interview for me, and they told me to see how far they would go in the matter. I told them I did not care about going to see Bunting, and that if Bunting wanted to see me he could come to the hotel. Wilkinson sent for me to come to his room on the Friday. I told him I had not gone to see Bunting, that I was busy on the Public Accounts Committee, and had not gone. He said it did not matter, as Bunting had not been at his office at ten o'clock, as he had been detained by some University people that morning, so that I could not have seen him anyway. All they wanted, he said, was some guarantee to Mr. Harcourt that there would be a sufficient number of members to vote against the Government, and he said he had prepared a round robin which he wanted me to sign. He handed it to me; there were no names upon it. It was drawn in the form of a round robin, and it was to the effect that, we the undersigned hereby bind ourselves, in order that an end may be put to bitter party strife, and that the Province may be benefitted, to vote against the Government on the first and every subsequent occasion.

*Q.* Is that the form (handing witness a paper)?

*A.* Well, that was practically the same thing, though the wording was a little different and it was written differently.

*Q.* They did not desire to know which patriot first signed it?

*A.* I presume that was the object.

*Q.* It was in substance the same as that?

*A.* Yes; he said they wanted that as a guarantee to Mr. Harcourt, if he came out as he said against the Government, that he would have a sufficient support to sustain him and enable him to go into this Coalition.

*Q.* What position was Mr. Harcourt to take in the Coalition?

*A.* He was to be leader of the Liberal contingent, and was to have a voice in choosing his colleagues; he also said that a prominent farmer was to go in, and that a life long Roman Catholic reformer from outside was to come in; that a seat was to be got for him by the resignation of a member of the House, and that he would not only secure his own seat, but would carry in another Roman Catholic supporting the Government to the support of the Coalition; he wanted me to sign this paper, and he would give me the guarantee; he told me that if there was any office I would mention he could get it for me.

*Q.* This was on the Friday?

*A.* Yes; he repeated the offer about the offices, and he mentioned the registrarship of Regina in the North-West, which I could have if I gave the guarantee; he said I should decide pretty quickly, because the office was going to be vacant pretty soon, because the present incumbent was not satisfactory; he said, however, that he could arrange matters if I wanted to retain my seat in the House, so that the duties of the office could be discharged by deputy, and that I might go on attending the sessions of the House.

*Q.* What did you say?

*A.* I told him I would not sign any round robin; I said I had no assurance that Mr.

Harcourt was going to do as he said, that I did not believe that he was going into the thing, and that the only ground on which I would listen to him was that Harcourt was in the thing; he said I could see Harcourt about the matter and satisfy myself: he said Harcourt was in communication daily with Bunting about the matter and that I could see him and satisfy myself; I told Mr. Fraser about this interview; I saw Harcourt that evening and he denied all knowledge of the thing.

*Q.* Was it on the Friday that he sought to arrange an interview with Bunting?

*A.* No, on the Thursday evening; the interview was to be on the Friday morning.

*Q.* And Wilkinson saw you on Friday?

*A.* Yes.

*Q.* When did you next see either Kirkland or Wilkinson?

*A.* On the Saturday afternoon Kirkland came to my room, and had some conversation with me; this was the time that he particularly mentioned that these other parties wanted to know what I wanted to vote against the Government; he said he was working for Kirkland alone, and that he had no interest in defeating the Government except as it affected his policy; if he could get it changed through the Government supporters it would be all right, but if not through them, then he wanted to through the Opposition; he said these parties wanted to know what I wanted; this was the first real intimation that I had that he was working with these parties.

*Q.* His first proposition was that he was trying to get what he wanted through the Government, and his next was that he would get it through the defeat of the Government?

*A.* Yes.

*Q.* He seemed to have failed to have got it from the Goverment?

*A.* Yes, he said Pardee had refused all approaches, and had almost ordered him out of the office.

*Q.* When was the first day you found that he was working in with the others?

*A.* I rather suspected it before this from seeing him with these other parties, but this was the first day I had any real intimation from himself.

*Q.* This was on Saturday?

*A.* He told me he had had an interview after midnight at a room there with Wilkinson and Bunting and others; that they had met him and talked the thing over.

*Q.* He told you this on the Saturday, that it had taken place on the Friday after midnight?

*A.* Yes.

*Q.* An interview with Bunting, Wilkinson and others?

*A.* Yes.

*Q.* What further?

*A.* He wanted to know what I wanted; I said you haven't got money enough in the city of Toronto to get me to vote against the Government; I got a little angry.

*Q.* You said this to Kirkland?

*A.* Yes, I said there was no use talking in that way; he had begun to suspect that there was something wrong, and he wanted to know what I meant; I told him that he was not going to buy me to vote against the Government. Well, he says, I want to know something about this thing, because it might land me in the Penitentiary.

*Q.* Did you tell him anything about it?

*A.* No, I gave him no satisfaction.

*Q.* Did he leave you then?

*A.* Yes.

*Q.* He had been surprised by your statement, he wanted an explanation, and said the matter might land him in the penitentiary?

*A.* Yes.

*Q.* Did you after that Saturday have anything to do with Kirkland in regard to the matter?

*A.* No, I think that was the last interview except speaking to him in passing. He did not come near me after that.

*Q.* Did you have any further conversation with Wilkinson?

*A.* On Sunday I was lying resting in my room and about noon Mr. McKim came in sat down, and said he had just seen Wilkinson, that he had paid him a thousand dollars, and he showed me ten one hundred dollar bills on the Bank of British North America. He handed the money over to me and I counted it. I said you had better give this to the Speaker. He said then that Wilkinson wanted to see me. I said if Wilkinson wanted to see me he could see me after dinner. Mr. McKim went out; of course I handed him back the money. I was lying there a few minutes afterwards when a rap came to the door. I said come in, and Wilkinson came in, sat down, and said he was prepared now to go on with that matter, that if I would sign the Round Robin he would pay me. Harcourt was all right, he said.

*Q.* Did he produce the Round Robin?

*A.* No, he just referred to it. He said he was prepared to go on and assured me that Harcourt was all right. I said no, I didn't think I would have anything to do with it. Well, he said, I suppose we cannot do anything more. I said I would sign no Round Robin, so he went out.

*Q.* Did he mention on this occasion—on Sunday—what he was willing to give you?

*A.* I think he referred to the office again.

*Q.* But as to the money?

*A.* He was willing to pay me an amount down on signing the Round Robin, and the balance after the vote was taken.

*Q.* And as to the office and the advertisements?

*A.* I do not remember as to whether they were mentioned, but they were mentioned at almost every interview; but the conversation was not a very long one on the Sunday. The fact was that I had made up my mind to have nothing to do with it.

*Q.* Had you any further conversation with Mr. Wilkinson?

*A.* Yes, on Monday afternoon. I went to the House, came back after dinner, and was going out of the hotel to the House again. Mr. Lyon was coming down stairs. He called to me that Wilkinson had just told him that he wanted particularly to see me in his room if I would go up for a minute. I went up with my overcoat over my arm and saw him. He said he was prepared to pay me that money and not ask me to sign a Round Robin or anything else.

*Q.* How much did he say?

*A.* He said I will give you $600 now, I think. I understand Kirkland was to give you $1,200, and we are going to carry out what Kirkland agreed to do. We do not think he has any money; in fact we have found that he has no money, but we are bound to carry him along in this matter as we took him in.

*Q.* Had Kirkland made you an offer?

*A.* Yes, he had said he would give me $1,000, or $1,200.

*Q.* So that the reference was to that amount offered by Kirkland?

*A.* Yes. I did not accept it then at once. I said, is this what you said you were going to do? He said, here is $800, and I will give you $700 after the vote is taken. I said I did not care about having anything to do with this. He pulled it out and gave it to me and I took it He rubbed his hands together as I was going out, and I went immediately to the Council Chamber and saw Mr. Mowat and the Minister of Education who were talking, and some others. I wrote a note there, went out and gave it to the Speaker about twenty minutes after I got it from Mr. Wilkinson.

*Q.* Was that the money and the note? (Handing witness some bills and a paper.)

*A.* This was the note I wrote and this is like the money. I put it in one envelope and it into a large envelope.

*Q.* These are the same envelopes?

*A.* Yes.

*Q.* You went at once to the Speaker?

*A.* Yes.

*Q.* There were eight one hundred dollar bills?

*A.* Yes, the same kind of bills as I had counted over for McKim the other day.

*Q.* Did you go directly to the House?

*A.* I went to the Council Chamber and then to the Speaker's rooms directly.

*Q.* You did not lose a minute in getting it out of your hands?

*A.* No.

*Q.* Was there a vote coming on on that Monday?

*A.* Well, it was expected the vote was near. We had been expecting the vote for some days on going into Committee of Supply. There was a good deal of conversation on a vote being taken on the policy of the Government. I think there was some talk among the Opposition members and others that there was such a vote coming up.

*Q.* You did expect a vote on the Monday?

*A.* Yes, I think it was mentioned to me—some of the members supporting the Government, it was said, were going to vote against them on it.

*Q.* Did you meet a person of the name of Lynch or Stimson?

*A.* No, I did not meet him, I had him pointed out in a sitting room of the Walker House by Mr. McKim, as a man named Lynch. He showed me the man. That was on the Friday evening, or the Saturday afternoon, and then on Saturday night I saw him coming down from up stairs, and McKim said, there is that man again. I mentioned such a man to Mr. Fraser and he recognized my description.

*Q.* Would you recognize those as pictures of him (showing witness two photographs)?

*A.* These seem like him, but he was much rougher in appearance at that time. He had a full florid face, and he was dressed in a slouchy manner.

*Q.* Would you say that these were photographs of him?

*A.* Yes, that is his face.

*Q.* Dressed up to do his finer work?

*A.* Yes, some one told me that he had been out west, ranching.

*Q.* You were not introduced to him; you did not speak to him?

*A.* No.

*Q.* Did you see Mr. Bunting much at the House?

*A.* I had seen the gentleman; he was pointed out to me, and he was there almost every afternoon and evening previous to the 17th of March except a short time during the session. He used to drop in regularly and watch the proceedings especially during the earlier part of the session, before the first test vote was taken.

*Q.* Had Kirkland said anything to you about his other exploits of a similar character?

*A.* He said it was a usual thing on the other side. He said they had paid thirty or forty thousand dollars, I think, in the Wisconsin Legislature. He said it was not to bribe the members, but that they were simply paid as attorneys for their services.

*Q.* Did he say where this was?

*A.* I think it was the Wisconsin Legislature.

*Q.* Did he say he was successful?

*A.* Yes, I think so.

*Q.* Did Mr. Wilkinson tell you anything about his exploits.

*A.* He said he had been in Muskoka and Algoma.

*Q.* Which election in Muskoka?

*A.* The general election.

*Q.* Did he say what he had done?

*A.* No, he said he had seen lots of corruption on the part of the supporters of the Government. He said the Government had gone in, and all raised money, that the members of the Government and others had been mortgaging their property since to pay these debts, but were going to charge the amount to the public accounts, year by year, in order to pay the expenses of carrying on the election.

*Q.* In what connection was it that he was mentioning this?

*A.* This was to show that there was too much party, and that it would be better to make a change in the Government.

*Q.* And in order that less corruption might go on he gave you $800?

*A.* I suppose so.

*Cross-examined by Mr. Caswell:—*

*Q.* Did he tell you which members of the Government had been mortgaging their property?

*A.* He said Mowat had mortgaged his property for $20,000; that they had sent a solicitor, I think it was Mr. Meek, and he had gone up to the hall, or somewhere, and searched in some office and had found this mortgage on record.

*Q.* Do you know of your own knowledge of any election fund?

*A.* No, I do not.

*Q.* You never contributed?

*A.* No, and never had the benefit of any fund. We run our own elections in Essex.

*Q.* Perhaps that was the reason it was not set aside?

*A.* They entered a protest and finally withdrew it.

*Q.* You first met Kirkland in March?

*A.* I had seen him in February, but the first time that I had a conversation with him was on the 11th of March.

*Q.* Had you spoken to him before that?

*A.* I had bidden him good day, and had been introduced to him. He sat at our table.

*Q.* I thought he dined at the Rossin?

*A.* Yes, but he came and dined occasionally at the Walker.

*Q.* You had had no conversation, except formal conversation, up to the 11th of March?

*A.* No.

*Q.* He was then introduced to you?

*A.* We had been introduced before, and he knew me as one of the members.

*Q.* You say a Mr. Lees had been speaking to him?

*A.* That is my recollection.

*Q.* Is Mr. Lees a member?

*A.* Yes.

*Q.* Then he asked you to come in—he wanted to speak to you?

*A.* Yes.

*Q.* Did he explain how his policy differed from the Government policy?

*A.* Yes, he shewed it would be better to give the whole control of the timber to the purchaser. I think he said they had it that way in the United States, and that he was interested in protecting his own limits, adjoining those in Algoma, from fire, and that he could protect these.

*Q.* Did you understand the policy of the Government as to selling the timber up there?

*A.* I understood it was the same as in Muskoka and elsewhere.

*Q.* That is, they sold the timber licenses by auction, letting the person holding the license cut the timber on paying dues?

*A.* Yes.

*Q.* What did he desire?

*A.* He wanted to buy it right out-and-out as an absolute possession.

*Q.* Did he say anything about wanting increased prices or the same prices?

*A.* Well, during the conversation there was a price of $500 or $600 a square mile mentioned.

*Q.* You understood that it was the Mining Act under which the Government sold land at $1 per acre?

*A.* I am not positive of that.

*Q.* Does that give the right to cut the timber; do you know that?

*A.* I do not know.

*Q.* Did he tell you if he owned mining lands?

*A.* I think he did.

*Q.* Did he tell you the quality?

*A.* I do not remember if he did.

*Q.* But he owned mining lands, he told you?

*A.* Yes.

*Q.* Did he explain to you how much he was willing to give for the timber?

*A.* He said it was more than he could get for it under the ordinary system, as it was only in patches there; not so good as in Muskoka and further east; he said it really required a different system of dealing with it; the land was not so valuable.

*Q.* North and west of Lake Superior it was not as valuable, and therefore different regulations should prevail?

*A.* Yes.

*Q.* Did you think up to this time that he was asking anything unreasonable?

*A.* Nothing, with the exception of his offering to pay me money.

*Q.* He did not propose that at once?

*A.* He said, at the end of the first interview, that he could remunerate me for my trouble.

*Q.* He first explained the policy without first mentioning the money, except that he was willing to give money?

*A.* Yes, he mentioned the money, for making the speech at the latter end of the interview.

*Q.* I suppose that there was no harm in any person, American or Canadian, asking legislators to support a particular principle, and showing them that it was a reasonable thing; so that there was no harm up to that time?

*A.* Oh, no.

*Q.* He afterwards asked you to speak on behalf of it in the House?

*A.* Yes.

*Q.* Did he refer you to any person to get information from for that speech?

*A.* He said that Lyon understood the matter, and that he (Kirkland) would supply me with material.

*Q.* Did he supply you?

*A.* No; but I have learned from examinations since, that a letter I got containing some information from Mr. Lyon had been got from Kirkland.

*Q.* Personally did Kirkland give you any?

*A.* No.

*Q.* Some one else did?

*A.* Yes.

*Q.* That was from Mr. Lyon?

*A.* Yes.

*Q.* At that time had you any intention of using it?

*A.* I told him I would look into his policy.

*Q.* Have you that article, or letter, or whatever it was, which you received?

*A.* Probably I have amongst my papers at home; I have not looked at it since the day I got it.

*Q.* Do you think you could find it and send it to the Commission?

*A.* I think I can find it, and if I do I can forward it.

By the CHAIRMAN.—*Q.* What was that letter?

*A.* It was a document handed to me by Mr. Lyon containing some information I might use in a speech on the floor of the House on Kirkland's policy.

By Mr. CASWELL.—*Q.* Did Kirkland refer you to Mr. Lyon beyond his own letter?

*A.* He said Lyon understood the matter.

*Q.* And you had a conversation with Mr. Lyon on the subject?

*A.* Yes.

*Q.* What were his views as to the change?

*A.* He was rather favourable to it.

*Q.* In that particular locality?

*A.* Yes.

*Q.* They may not have suited Muskoka so well, but for that locality he was favourable?

*A.* Yes.

*Q.* Kirkland was anxious to get the matter discussed?

*A.* He wanted to bring pressure on the Government, and he thought if he could get their supporters to fall in with that view he would succeed.

*Q.* He asked you in the beginning to vote against the Government then?

A. No, he said he was working for Kirkland, and that he would go any length short of murder to get his object.

*Q.* You did not imagine that he intended to kill any person?

*A.* No.

*Q.* All he wished was to have the matter discussed in the House?

*A.* That was it at first.

*Q.* That was on the 11th; did he at any time in that interview ask you to vote against the Government?

*A.* No.

*Q.* How did he come to you about the proposal of money; who was the first person to suggest money?

*A.* He did.

. What were the first words?

*A.* I could not tell you the exact words. Referring to the way he had done those matters on the other side, he said he was willing to pay me for my services.

*Q.* In what way?

*A.* In making a speech. He said you will have to give up all other matters and devote yourself to getting this up, and he said I will be willing to pay you for your trouble.

*Q.* Did he add anything about its being right?

*A.* He said this was the way they did on the other side. They didn't buy anybody, but they hired lawyers, attorneys, etc., to advocate their claims, and he seemed to regard it as perfectly correct. He said that if I thought it was the right quality to try and get it.

*Q.* He wanted you to support it if it was right?

*A.* Yes.

*Q.* The money was not to change your vote in any respect?

*A.* No.

*Q.* Did he say that you could vote as you pleased?

*A.* Yes, he said, as long as you make a speech vote as you please.

*Q.* It was simply to get your advocacy in the matter, to pay you for your time in looking up the matter, and getting information and preparing a speech on the subject?

*A.* Yes.

. Did he ask you to support it if you conscientiously believed it to be right?

*A.* I could not say that he used those words, but he tried to persuade me, and if I came to his views, to support them.

*Q.* He urged that his view was more advantageous to the province

*A.* Yes.

*Q.* He said that the land now was not protected, and that fires were allowed to rage over it?

*Q.* Yes; he said that people in hunting for minerals frequently set fire to the woods; that this communicated with the low ground, and afterwards with the standing timber.

*Q.* In other words, there would be a diverse interest between the owners of the land and the owners of the timber?

*A.* Yes.

*Q.* He asked for a change, and he said that if any person owned both the timber and the land he would protect one for the sake of the other?

*A.* Yes.

*Q.* You say that he presented his case before March, was it? Did he do so in any other light then to you?

*A.* No; he said he had taken his maps and explained it and gone over it with Mr. Meredith and some other members of the Opposition at the Queen's Hotel.

*Q.* Would his language lead you to believe that either he had tried to buy Mr. Meredith or that Mr. Meredith had tried to buy him?

*A.* No; I think he had tried to influence Mr. Meredith with his view, and if Mr. Meredith saw a point against the Government he would use it; he said Mr. Meredith was with him on that point.

*Q.* Kirkland did not express that to you?

*A.* No.

*Q.* He said that the Opposition were going to move an amendment?

*A.* Yes.

*Q.* Did he put that as an amendment going into Supply?

*A.* I do not think he understood our system thoroughly, and just gave it to me as he had been told it.

*Q.* That some motion was to be made on the subject?

*A.* Yes; he got to understand it finally, though he did not understand it at first.

*Q.* He did not seem to understand that?

*A.* No; he said that on the other side members could vote as they pleased on any question, and he did not see how it was not the same here.

*Q.* He could not understand about there being two sides?

*A.* Yes; he understood it afterwards.

*Q.* He thought every member should have supported it on its merits?

*A.* He thought every measure should be supported by members of that particular view.

*Q.* You reported this first interview to Mr. Pardee; what instructions did you get?

*A.* None; I told him what he had said; he said there was nothing in his advocacy; that it was not possible to make the change.

*Q.* Did Mr. Pardee say anything to you about Kirkland, what you were to do?

*A.* No.

*Q.* He did not urge you to see Kirkland?

*A.* Not particularly.

*Q.* Did he at all?

*A.* I don't think he did. Whether at that interview or at a subsequent one, I could not say; but he told me to let these parties go on and see how far they would go. This was after I saw Wilkinson.

*Q.* And immediately after the 11th you saw Pardee and told him what had taken place?

*A.* I told him the policy of Kirkland.

*Q.* Did you then get instructions from him to go back to Kirkland?

*A.* No, I think not.

*Q.* The first time that Pardee told you to try them was after you saw Wilkinson as well?

*A.* It was after I saw what was going on. When Kirkland spoke I did not know that there was anything more in the matter than his own view.

*Q.* On the 13th you went to McKim after dinner?

*A.* On that day he asked me to see Wilkinson.

*Q.* After you went out of Wilkinson's room, Kirkland followed you into your room?

*A.* Yes.

*Q.* Did he seem to have anything to do with Wilkinson?

*A.* It struck me he had. I could not see how he followed me—how he knew I was there.

*Q.* Are your rooms on the same corridor?

*A.* Yes, but I did not know how he knew I was there.

*Q.* Was there anything singular for another person to be coming up stairs just about that time?

*A.* Well, I thought it a rather strange coincidence.

*A.* You did not know of anything being wrong?

*A.* No.

*Q.* On that occasion he read the Peters letter?

*A.* Yes.

*Q.* Did that letter lead you to understand that he was authorized to buy up members of Parliament?

*A.* I understood from it that he was going to use cash in support of his policy. He said he did not offer me cash, but he would give me a draft for security.

*Q.* Did he produce any draft?

*A.* No; I did not signify my intention of accepting. He said he could give me a draft, that he had not the cash, and he would give me a draft for a thousand or twelve hundred dollars.

*Q.* He did not produce any draft?

*A.* No.

*Q.* Did you gather from Peters' letter that this money was to be the means of buying up members?

*A.* Kirkland went on to explain Peters' position, that he was worth several hundreds of thousands of dollars, that he was very wealthy, that he was backing him up, and, taking that in connection with what he said about buying up American Legislators, I had that idea.

*Q.* If these men were in partnership, I suppose a letter of that kind would not be out of the way?

*A.* Not perhaps in their view of the matter.

*Q.* It would not be out of the way in such a case to give him power of attorney or a general authority?

*A.* No.

*Q.* You say that in the interview he expected a vote; was there any reason to expect a vote? Was it not a fact that the House was nearly over?

*A.* Well, there had been arrangements, as there always are, that votes of want of confidence should come as amendments to Supply.

*Q.* Did not you know about the 13th that the House would shortly adjourn?

*A.* Well, we expected that it would close sometime soon.

*Q.* In fact, did not the members expect to get through about the 18th or 19th, only for these proceedings?

*A.* No; at the soonest not until about the beginning of that week.

*Q.* Had not the House commenced to have its morning sessions?

*A.* Yes, I think they had a few morning sessions before this matter came up.

*Q.* Therefore, the House was showing signs of getting near the end of their business, and if a vote was going to take place, it might be expected to take place soon?

*A.* He would have the matter explained I presume, because he did not know anything about our mode of doing business. I cannot say, however, what his reasons were. I suppose he must have got the information.

*Q.* It was not unreasonable to expect a vote to take place then?

*A.* No, or at any time. We have had votes of want of confidence the first week of the session.

*Q.* You say on the 15th you had an interview again with Kirkland?

*A.* That is the Saturday, yes.

*Q.* He referred to the interview he had with Bunting, Wilkinson and others?

*A.* Yes.

*Q.* You took that to be on the night of the Friday?

*A.* Yes; he said it was after midnight.

*Q.* What proposal did he make on that occasion about money ?

*A.* He said they wanted to know what I wanted, referring to Wilkinson and others.

*Q.* Did he himself say he wanted to know ?

*A.* He had already made me a proposition before—the one with reference to $1,000 or $1,200.

*Q.* But that was not to your vote ?

*A.* This time they wanted to know, he said, what I wanted to vote against the Government.

*Q.* Was that the first occasion he spoke to you about wanting you to vote against the Government ?

*A.* The first time definitely, I think, though he may have mentioned that whether I could or could not vote against the Government, I was to speak. I think this was the first definite proposition. I cannot say specially as to the number of interviews, some conversations being repeated again and again.

*Q.* What did you say in answer to that ?

*A.* I told him he had not money enough in the city of Toronto to buy my vote against the Government.

*Q.* What did he say to that ?

*A.* He seemed somewhat surprised. He wanted to know what I meant, and if I was not in earnest. I told him that he hadn't enough money in Toronto, and he began to get afraid, and he said this was a serious matter for him. He had information from his friends what would be the result to himself and others if it came out. Somebody had evidently warned him, from what he said.

*Q.* Did he use the expression about the penitentiary ?

*A.* Yes.

*Q.* That he might land in the penitentiary ?

*A.* Yes.

*Q.* You say that about that day—I think on the 15th—you met Wilkinson ?

*A* No, not on the Saturday.

*Q.* The next day, Sunday ?

*A.* Yes, he came into my room.

*Q.* Was it then he mentioned about the $1,200.

*A.* That was on Monday. He said that they were going to carry out Kirkland's agreement, that they would not probably have used any money only for Kirkland's agreement, but they had to carry it out. They said they had found out he had no money.

*Q.* Did it occur to you that Kirkland was with them ?

*A.* I supposed so from Kirkland's conversation on Saturday, that he had joined forces with them in his efforts to carry the policy.

*Q.* Did not Wilkinson say they would have nothing to do with Kirkland ?

*A.* He said they were going to carry him through this matter, and that then they would not have anything to do with him.

*Q.* It was Wilkinson who said they expected a vote on Monday?

*A.* Yes.

*Q.* What Kirkland said about Wisconsin—was it about the Legislature or about some tax sale?

*A.* No, he said he had used some $30,000 or $40,000 in getting something through the Legislature. He told me about always paying them for services.

*Q.* Did he give you names?

*A.* No, though I would not have remembered them if he had.

*Q.* You inferred that he actually gave money to the members of the Legislature?

*A.* Yes, I understood that, because from my reading the American papers, I understood it was a customary thing.

*Q.* Well, is it a customary thing to think that the legislators of other countries are worse than our own?

*A.* Well, I saw the evidence as reported as to matters in New York and elsewhere.

*Q.* Then you gather that it was members who were bought up in the United States, and that the money was not spent in some speculation?

*A.* No, it was to carry a measure through the Legislature. He spoke to me about the proprietor of the Rossin House—about his having recognized him and having been recognized by him as soon as he came, and he a party who had been interested in getting a dam or some other public work through the Legislature in the country he was living in at the time. He spoke of having used this money in the Legislature, and I think he said he was connected with it at the time.

*Q.* I suppose it would not be improper to get counsel to go before Committees of Parliament or a Legislature to advocate matters—that they are paid to do so?

*A.* Certainly, I know that.

*Q.* I suppose if the matter is very important. large sums might be expended?

*A.* Yes.

*Q.* In engaging Counsel?

*A.* Yes.

*Q.* And it would not be out of place?

*A.* Certainly not.

*Q.* And large sums might be expended in that way in the case he referred to?

*A.* He referred to them as members.

*Q.* You had a memorandum book in the Police Court?

*A.* Yes.

*Q.* Where is it?

*A.* I have it in my pocket.

By Mr. Meek.—When did you first have a conversation with Mr. McKim about this matter?

*A.* Some time in the week that this was going on.

*Q.* The week previous to the disclosures in the House?

*A.* Yes.

*Q.* Did he come to see you about it?

*A.* About what?

*Q.* About this matter?

*A.* Which particularly?

*Q.* About this turning out of the Government—did he come to see you about it?

*A.* As we met each other. We were in the same hotel, and we were meeting every day and having conversations about one matter and another, and after having this interview with Wilkinson and communicating with the Government, I heard that McKim had been approached.

*Q.* They told you?

*A.* I think it was either they or some member of the House.

*Q.* Which one of the Government was it?

*A.* It was either Mr. Fraser or Mr. Pardee probably.

*Q.* Then did McKim come and speak to you about it?

*A.* Well, we talked about the matter together. I think after the second interview with Wilkinson.

*Q.* Did you know it before McKim spoke to you

*A.* I had heard of it.

*Q.* In the first conversation you had with McKim, did he speak to you or you to him about the matter?

*A.* The matter came up incidentally, I presume.

*Q.* Was it in your room?

*A.* No, I think it was in the sitting-room of the Walker House, or else walking down to the House.

*Q.* What did McKim tell you he was doing?

*A.* He told me he had offers.

*Q.* Did he tell you to go on and try to get offers too?

*A.* No, I don't think he urged me to go on particularly, because the members of the Government told me to let the parties go on and see how far they would go.

*Q.* That is your reason for it? The members of the Government had urged you?

*A.* They didn't urge me to go particularly, because I had not taken any action of my own motion at all. They told me to let these parties go on.

*Q.* Who said that?

*A.* Nearly all the members of the Government. I had spoken to them all at one time or another.

*Q.* During the same day?

*A.* No, at different times.

*Q.* When did you speak to members of the Government?

*A.* I spoke to Mr. Pardee that morning; I went from the Walker House to the Buildings.

*Q.* The first time you spoke to them was after Kirkland spoke to you?

*A.* Yes.

*Q.* That was the first offer made to you of any kind?

*A.* Yes.

*Q.* That was on the Tuesday?

*A.* Yes.

*Q.* On that occasion you spoke to Mr. Pardee?

*A.* Yes.

*Q.* Did you speak to any of the other members of the Government the same day?

*A.* I think not.

*Q.* It was then that Mr. Pardee told you to go on?

*A.* No, not on that occasion.

*Q.* When was the next time you spoke to any member of the Government?

*A.* I spoke to them probably every day after that.

*Q.* Why do you say probably?

*A.* Well, I think I can say every day.

*Q.* At the Police Court you said you had a memorandum book in which you had all the particulars?

*A.* That is, the heads of the interviews.

*Q.* Do you remember, apart from that note book, the dates or the occasions of these interviews.

*A.* With these individuals?

*Q.* With the members of the Government?

*A.* No, I kept no notes of the interviews with the Government.

*Q.* You did not take note of what the members of the Government and others told you to do—McKim and others?

*A.* McKim did not tell me to do anything.

*Q.* You say you did not see any member of the Government on that Tuesday except Mr. Pardee; when did you next see a member of the Government?

*A.* Next day.

*Q.* Which one did you see first?

*A.* I could not say; probably Mr. Fraser or Mr. Hardy.

*Q.* We do not want probabilities?

*A.* When I saw all the members of the Government on the one day, I could not say which I saw first.

*Q.* Can you say which one, or two, or three of them you saw?

*A.* It would be Mr. Pardee, Mr. Fraser or Mr. Hardy—one of these three.

*Q.* And probably the whole three?

*A.* It may have been so.

*Q.* What did you say to them?

*A.* There was nothing special beyond this timber policy. I mentioned what had taken place between me and Kirkland,

*Q.* Had you another interview after Kirkland saw you again?

*A.* I could not say, I saw more than one of them.

*Q.* What did any one of them say to you?

*A.* Nothing in particular.

*Q.* Anything in general?

*A.* No, merely expressions of opinion as to what he was at.

*Q.* Referring to Kirkland?

*A.* Yes.

*Q.* Did they tell you not to have anything to do with him?

*A.* They gave me no instructions.

*Q.* Did they tell you to keep clear of them?

*A.* No.

*Q.* Did they tell you to tell him that that was not the way our Legislators were to be treated; did they give you no good advice in the matter at all?

*A.* Not then.

*Q.* Did they tell you to spurn the offer?

The CHAIRMAN.—I understand that there had been no offer made at the first interview.

Mr. MEEK.—I understood him to say that there was an offer of some kind.

WITNESS.—No; he wanted me to advocate his policy and get up a speech.

*Q.* Did not you say at the police court or here that he offered to give you a certain sum to make a speech?

*A.* The sum mentioned was subsequent; he offered to remunerate me for the time spent, and so on.

*Q.* He said he would put some advertisements in the paper, and would give you $1,200?

*A.* That was on a subsequent occasion.

*Q*. When did you see Kirkland again ?

*A*. I saw him again right after his interview with Wilkinson.

*Q*. That was not until Friday ?

*A*. On Thursday.

*Q*. On the Thursday you had the second interview ; you had previously had one with Wilkinson ?

*A*. Yes.

*Q*. Was that the first with Wilkinson ?

*A*. Yes.

*Q*. After seeing Wilkinson did you go and see the members of the Government ?

*A*. I saw them that afternoon or evening.

*Q*. After seeing Kirkland ?

*A*. Yes.

*Q*. When you went to the members of the Government, what did you say to them ?

*A*. I told them the proposition which was made by Wilkinson and Kirkland.

*Q*. Which member of the Government did you see ?

*A*. I saw Mr. Fraser and Mr. Pardee.

*Q*. And they said to you to go on and see how far they would go ; was that all ?

*A*. Yes ; there may have been some conversation ; I do not recollect.

*Q*. Did you tell them the terms of this offer ?

*A*. I told them the substance of the interview.

*Q*. So they understood exactly what was done ?

*A*. Yes.

*Q*. They both said, let them go on ?

*A*. I do not know that both said so together ; I think probably that the interviews I had particularly pertaining to the matter were with each one separately.

*Q*. Where ?

*A*. I saw Mr. Pardee in the corridor, and I saw them in the outside Council Chamber.

*Q*. When did you meet Mr. Pardee the second time ?

*A*. I saw them at different times and places.

*Q*. But where did you see Mr. Pardee the second time after seeing Wilkinson and Kirkland ?

*A*. I think it was at the outside Council Chamber ; either there or in the corridor.

*Q*. Then you told him all that happened, and all he said was, let them go on ?

*A*. Yes, before I told them I had been asked to go and see Bunting.

*Q*. Did they tell you to go and see Bunting ?

*A*. They said I had probably better see what he would propose ; I told them I did not care about going up there.

*Q.* Are you now talking of Mr. Pardee?

*A.* It was either Mr. Pardee or Mr. Fraser.

*Q.* I am talking about Mr. Pardee?

*A.* I had probably two interviews with both. There was generally only one present

*Q.* I am talking about this occasion? Were there two present or only one? You give definite information about other people, and all that has occurred about the same time, and one would think you would remember as definitely about the members of the Government. You have made serious charges against other people, and why cannot you recollect whether Mr. Fraser or Mr. Pardee was present on that occasion?

*A.* Frequently a word or two was exchanged in passing. I had no regular, sustained interview that day—no more than a minute or two at a time.

*Q.* You had several interviews?

*A.* Yes.

*Q.* Did you meet them together?

*A.* I don't think I spoke to them together.

*Q.* You met them separately?

*A.* Yes, separately.

*Q.* You do not recollect which you met first?

*A.* No.

*Q.* You do not recollect where you met either of them?

*A.* I met them in the outside Council Chamber.

*Q.* Are you speaking from recollection?

*A.* Yes.

*Q.* You met either one or the other in the Council Chamber?

*A.* Yes; I remember meeting Mr. Hardy in his room, and I met Mr. Fraser in his room.

*Q.* Let us speak of this particular occasion. You told whichever one you met what had occurred, and that gentleman, Mr. Pardee or Mr. Fraser, told you to go on?

*A.* Yes; I know Mr. Pardee told me, let them go on.

*Q.* You understood you were to go and see the parties again?

*A.* No. because I never went to see them unless they requested me.

*Q.* You told them you had been asked to see Bunting, and they told you that you had better see him?

*A.* Yes.

*Q.* He did not show any indignation about the matter?

*A.* From what they told me they had had knowledge of the matter from the beginning of the session.

*Q.* Oh, I did not know that; you did not tell us that before?

*A.* He did not say so in so many words, but I judged so from his conversation.

*Q.* Did he tell you that he had seen McKim frequently?

*A.* I think he told me McKim had been approached.

*Q.* Did he tell you the other members who were in this little conspiracy between him and McKim?

*A.* I did not know of any conspiracy between him and McKim.

*Q.* I did not ask your opinion. Did he tell you of anyone else being in this arrangement between him and Mr. McKim?

The CHAIRMAN.—That was not the question you originally put.

Mr. BLAKE objected to Mr. Meek's question on the ground that it made an improper use of the word "conspiracy."

Mr. MEEK replied that he did not mean that there was any criminal conspiracy, and contended that he had a perfect right to use the word.

The Commissioners ruled that the word "conspiracy" should not be used as it had been by Mr. Meek, unless he established that there had been a conspiracy.

*Q.* Will you tell me what occurred—what Mr. Pardee told you as to his interview or his having made arrangements with McKim as to this matter?

*A.* He did not tell me he had made any arrangements; he told me McKim had been approached.

*Q.* Did he tell you what McKim had been doing?

*A.* No, he did not tell me McKim had been doing anything. He told me others had been after McKim.

*Q.* Please tell me his language?

*A.* He said there had been something of this kind going on during the session, and that McKim had been approached by the parties.

*Q.* Did he say he learned it from McKim?

*A.* He did not tell me from whom he had learned it. I presume it was McKim. He said approaches had been made from the beginning of the session.

*Q.* He mentioned no name but McKim's?

*A.* Not then.

*Q.* Was that all that occurred that day between you and Mr. Pardee?

*A.* Yes.

*Q.* You say you met Mr. Fraser on the same day?

*A.* Yes; it was a mere mention to him on that day.

*Q.* Where did you meet Mr. Fraser?

*A.* I think I spoke to him at his desk in the House.

*Q.* What did you say to him?

*A.* It was just a mere mention of the approach which had been made.

*Q.* To you?

*A.* Yes.

*Q.* By whom?

*A.* By these parties, Wilkinson and Kirkland.

*Q.* You mentioned their names?

*A.* Yes.

*Q.* Did you tell about the offer of money?

*A.* I mentioned briefly what had taken place.

*Q.* Did you tell him about the money offer?

*A.* I told him that offices had been offered, and a guarantee.

*Q.* You always looked on the money offer as a guarantee that you would get the office, and that you would repay the money?

*A.* This money was offered as a guarantee that I would get the office, though nothing was said about repaying it.

*Q.* Did Mr. Fraser say anything in answer to that?

*A.* No, just an expression of his opinion about it, probably.

*Q.* Did he give you any information?

*A.* Not then.

*Q.* He did not say to you to go ahead?

*A.* He did subsequently, but not then.

*Q.* Were these the only members of the Government you met on that day?

*A.* These were the only interviews I recollect.

*Q.* You have nothing in your note book about this?

*A.* No.

*Q.* Whom did you see next after the Thursday?

*A.* I saw Kirkland that same afternoon.

*Q.* After you saw Mr. Fraser and Mr. Pardee?

*A.* No, before; after I had seen Wilkinson and Kirkland I saw Mr. Pardee and Mr. Fraser.

*Q.* Whom did you see next?

*A.* Wilkinson, when he proposed a meeting with Bunting.

*Q.* Whom did you see after seeing Mr. Pardee and Mr. Fraser on that Thursday?

*A.* Do you mean the parties charged, or the members of the Government, or what?

*Q.* I mean in connection with this matter. Why are you fencing in this way?

*A.* I am not fencing, only I want to know exactly what you want.

*Q.* Whom did you see next?

*A.* Do you mean a member of the Government, or one of the party?

*Q.* Any person connected with this matter?

*A.* Next day I saw——

*Q.* That day I mean; did you see any person else?

*A.* I do not recollect mentioning it particularly, but there were occasional conversations among the members; I saw no one, and I went to no one particularly.

*Q.* Did you go to any person about it at all?

*A.* No, I did not go with that object.

*Q.* On the Thursday you spoke to no one else except Mr. Pardee and Mr. Fraser?

*A.* Not to my recollection; there were a lot of conversations about this time, and I could not fix them on my recollection exactly.

*Q.* On the next day, Friday, did you see any person about the matter?

*A.* On the Friday Wilkinson sent for me.

*A.* You were both stopping at the Walker House, and he sent across to your room

*A.* I think I was standing in the waiting-room or sitting-room in the hotel.

*Q.* Whom did he send for you?

*A.* Mr. McKim.

*Q.* McKim was running all the errands?

*A.* He did on two occasions; Mr. Lyon on another occasion, and Mr. Wilkinson came to me himself, and so did Kirkland.

*Q.* Mr. McKim did on two occasions; was this the first?

*A.* This was the second occasion.

*Q.* When was the first?

*A.* On the Thursday.

*Q.* What did McKim say on the Thursday?

*A.* He said that Wilkinson wanted to see me.

*Q.* Did he tell you to go?

*A.* I was in my own room, and he said I had better go, as Wilkinson wanted to see me.

*Q.* You were reluctant; you did not want to have anything to do with it?

*A.* No.

*Q.* I understand that; I believe it to be entirely correct. McKim urged you to go?

*A.* He said I had better [illegible] I got up and went into the next room.

*Q.* Was that all McKim said to you on that day?

*A.* Yes.

*Q*, Did McKim say anything to you on the Friday?

*A.* He told me in the meantime that he had an offer.

*Q.* Did he tell you he had an offer?

*A.* Yes, and he told me some of the members had.

*Q.* Did he say he was trying to catch them?

*A.* He did not then; he may have done so at a subsequent time; I think he did.

*Q.* Are you sure he did.

*A.* There was something to that effect.

*Q.* Did he tell you his plans?

*A.* No.

*Q.* How he was rising from one sum to another, and how he was trying to lead them on?

*A.* He said they were rising from one sum to another, trying to lead him on. He said he wanted to see how far they would go.

*Q.* He led you to understand that he was leading them on?

*A.* He led me to understand that they were increasing the sum, and that he was listening to them.

*Q.* Did you understand that he was doing anything more?

*A.* I did not believe that he was going to accept anything from them, from anything he said to me.

*Q.* You did not intend to accept anything. It was only on the urging of somebody else that you listened?

*A.* It was only Wilkinson's urging.

*Q.* Did not McKim urge you?

*A.* He said he had taken it, and that he supposed I would be offered it.

*Q.* Did he tell you to take it?

*A.* I think on the Sunday when he came in, he said that I would be offered some money, likely by Wilkinson. I said that I would put it in the Speaker's hands if I got it.

*Q.* Didn't he ask you to take it?

*A.* That may have been the impression that he tried to convey, that I should take it, and take it to the Speaker.

*Q.* Was not that the kind of influence he tried to bring to bear upon you by his conversation?

*A.* That was not the impression I took from it.

*Q.* McKim saw you on the Friday; when was it he came to show you the money he had got?

*A.* On Sunday.

*Q.* Had you seen McKim in the interval?

*A.* We were chatting together when he showed me Lynch.

*Q.* Where were you?

*A.* We were sitting on a row of seats in front of the Walker House back of the office. We were chatting together.

*Q.* What about?

*A.* He was telling me about this man Lynch.

*Q.* And the offers made?

*A.* Yes.

*Q.* Did he tell you what he was going to do?

*A.* He said he was going to get the money.

*Q.* Did he say he was bound to get it?

*A.* No, I don't recollect that. He said if he got the money he was going to take it to the Speaker.

*Q.* Did he say he was going to get it?

*A.* No, he never spoke certainly about it until he had it. I understood they first offered it and then withdrew the offer.

*Q.* You say you saw McKim on this occasion on the Saturday in the Walker House; did he then ask you to take the money if they offered it?

*A.* No.

*Q.* Did he say anything about an offer being likely to be made to you?

*A.* He said I would probably be offered some money.

*Q.* Did he say he would report your name to them as a person willing to consent to this scheme?

*A.* At that time I had been introduced to Wilkinson.

*Q.* Did he say he would tell Wilkinson you would be willing?

*A.* He said he had told them probably they could trust me.

*Q.* Did he say that he told them that again?

*A.* No, he did not repeat it then.

*Q.* Did you tell him he should not have told them that?

*A.* I told him I did not intend to take any money or have anything to do with them.

*Q.* Now, was that the only occasion you saw him before Sunday?

*A.* Oh, we had chats going to and from the House several times a day!

*Q.* In addition to these interviews?

*A.* None of the interviews were special. The matter came up in casual conversation. Members stopping at the same house generally talk about matters of that kind.

*Q.* Had you any other interviews with members of the Government, Friday and Saturday, except those you have mentioned?

*A.* I saw Mr. Hardy.

*Q.* Did you see Mr. Fraser?

*A.* Yes.

*Q.* Did you tell him about having an offer of money?

*A.* Yes.

*Q.* That there was an offer of cash down before the vote was taken?

*A.* Yes.

*Q.* What did they say?

*A.* They said let them go on and see how far they would go.

*Q.* Did you understand that you were to take the money?

*A.* I understood that I was to take the money if they offered it, and give it to the Speaker; I told them before that if any money was paid I would put it in the Speaker's hands.

*Q.* Did they tell you that was right?

*A.* They said that would be the proper course.

*Q.* Did they say to take the money if it was offered?

*A.* They said to let them go on; I presume that that included the offer of money; I think that that was the meaning of their advice.

*Q.* McKim came to you on Sunday and showed you $1,000?

*A.* Yes.

*Q.* Which had been paid?

*A.* Yes.

*Q.* Did he show you the bills?

*A.* Yes, he handed them to me.

*Q.* And you counted them?

*A.* Yes, and handed them back.

*Q.* He went away?

*A.* Yes.

*Q.* Did he tell you on Sunday that you would receive a similar offer?

*A.* He said probably I would get some money, too.

*Q.* Did he say the offer would be made that same day?

*A.* He did not say; I had told him all along I would not sign any papers.

*Q.* Did he let you understand that a similar offer would be made the same day?

*A.* He said that Wilkinson was ready to pay over money.

*Q.* A similar amount?

*A.* No, he did not say that.

*Q.* Did he say that Wilkinson would see you after dinner?

*A.* He came into my room while I was lying on the bed shortly afterwards.

*Q.* Had McKim time to get back to Wilkinson's room before Wilkinson came in?

*A.* It was probably five or ten minutes.

*Q.* Your rooms were not far apart?

*A.* No, they were quite close.

*Q.* Did you understand that McKim was to go back to Wilkinson?

*A.* He said Wilkinson wanted to see me, and I told him to tell Wilkinson that he could see me after dinner.

*Q.* Then after dinner Wilkinson came and offered you the money?

*A.* No; not after dinner, it was after that.

*Q.* Did you go and see members of the Government after that again?

*A.* Yes, I saw them that evening.

*Q.* Why did you not take the money as the Government were willing you should?

*A.* He wanted me to sign documents, and I would not do that, or make any promises; I never made any promises throughout the whole matter.

*Q.* Had he the document?

*A.* He did not show it to me: he said they were ready to sign.

*Q.* He said others had signed?

*A*, Yes, and he wanted me to sign too.

*Q.* He went away, and you did not see him any more that Sunday?

*A.* Yes.

*Q.* Did you see any members of the Government before you saw him again?

*A.* I saw them all.

*Q.* Did you tell them all that occurred?

*A.* Yes, everything that took place; I saw them all together, and saw them separately between that and Monday—all the members of the Government; I saw the Attorney-General.

*Q.* What did Mr. Mowat tell you to do?

*A.* He said to let them go on with the matter, and if they paid me money, to take it and put it in the hands of the Speaker.

*Q.* What did Mr. Pardee advise?

*A.* They all advised me the same.

*Q.* Did any of them tell you how to act?

*A.* No, there were no instructions.

*Q.* Did they tell you to ask for the money?

*A*, No, and I never asked for a sum, never mentioned a sum, and never agreed to accept anything.

*Q.* Did you tell them that McKim had been a go-between between you?

*A.* No, because McKim was acquainted with Wilkinson

*Q.* Did you tell the members of the Government that McKim was going between you and carrying on the negotiations between you?

*A.* If he did not negotiate, I could not tell the members of the Government that he did.

*Q.* You did not see any person until the Monday?

*A.* I saw all the members of the Government, but no one else.

*Q.* Did you see Mr. McKim on Monday?

*A.* Just in the ordinary course.

*Q.* What was the ordinary course?

*A.* I used to meet him in passing; he said he had gone to the Speaker, but he was away, but he would see him again on Monday and would pay over the money.

*Q,* Did he say anything about Wilkinson going to give you money, or anything of that kind?

*A.* I have no recollection of anything of the kind.

*Q.* Would you say he didn't?

*A.* No, I wouldn't.

*Q.* Did he seem to be jubilant about getting the money?

*A.* No.

*Q.* It was just a common thing?

*A.* He didn't seem jubilant; he seemed naturally a little excited.

*Q.* As though he had actually accomplished his purpose?

*A.* Well, you cannot tell much from Mr. McKim's expression what his feelings are.

*Q.* Did you see him several times before seeing Wilkinson on the Monday?

*A.* No; only the once to speak about this matter.

*Q.* You said that probably he told you to go on and get the money?

*A.* He may have done so.

*Q.* Did you see any member of the Government before you saw Wilkinson on the Monday?

*A.* I saw them all.

*Q.* Both Sunday and Monday?

*A.* Yes.

*Q.* You went over the whole pack of them again?

*A.* Yes.

*Q.* Did they seem to be much horrified?

*A* They seemed much displeased that an attempt of that kind should be made, and thought that every means should be taken to bring them to punishment, and that the evidence would be complete by the payment of this money.

*Q.* You understood from that that you were to go on and get money?

*A.* I understood I would be doing what was right, if they offered the money to put it in the hands of the Speaker.

*Q.* I am not asking about the abstract question of right or wrong?

*A.* I understood that they thought it was right, and that they desired that the evidence should be complete.

*Q.* And you had these numerous interviews with the various members of the Government separately and together, both on Sunday and Monday?

*A.* Not with all of them on Sunday; only two of them when I went up to the smoking room. I saw them all between the time of seeing Wilkinson on Sunday and seeing him again on Monday.

*Q.* Then you only saw two of them on Sunday?

*A.* Yes, Mr. Hardy and Mr. Fraser.

*Q.* Then you saw them on Monday?

*A.* Yes, and told them I did not care about taking the money.

*Q.* Was that the first time you had spoken to Mr. Mowat about that time?

*A.* The first time that I had any lengthy conversation I had mentioned it to him in the presence of one of the others before; on that Monday I had a special conversation with him individually, about the whole matter, and to get his views on the whole question; then I went to see Mr. G. W. Ross, and the Treasurer.

*Q.* You thought you would take the advice of your leader before taking so peculiar a step as to receive a bribe?

*A.* I didn't receive a bribe, and I had not made up my mind to see him; I was——

*Q.* We do not care about that?

*A.* But you say that I took a bribe.

*Q.* I say before you took what was intended as a bribe, you thought you would take the advice of your leader?

*A.* Yes.

*Q.* And very dutifully you went to him as a father for advice?

*A.* I went to get his opinion on the matter.

*Q.* And he thought you should accept it, as you understood it?

*A.* Yes.

*Q.* And the others were all of that opinion too?

*A.* Yes.

*Q.* And then in consequence of that you came back to the Walker House?

*A.* I got my dinner and was starting down to the House, and Mr. Lyon was coming down the steps from his room just as I was about going out; I had made up my mind that I would not go near any of the parties at all.

*Q.* All that time you knew that Mr. Lyon had signed the round robin?

*A.* I had heard that he had.

*Q.* You knew that he had refused to accept money?

*A.* No.

*Q.* Did not he tell you he would not?

*A.* No.

*Q.* Had not McKim told you?

*A.* No, I think not. I heard he was to have some interest in some timber limit, but there was nothing said to me that I remember that he would not take any money.

*Q.* Had Lyon told you what to do?

*A.* No, but he called to me as I was passing out, and I stopped, and he said, "Wilkinson told me as I was passing his room that if I saw you to ask you to go up for a minute." That was all he said. I then went up to Wilkinson's room.

*Q.* Then the offer was made of the $600 or the $800, and you took it?

*A.* He handed it over and I put it in my pocket.

*Q.* You did not like the whole business?

*A.* No, certainly not.

*Q.* And if it had not been for the advice, you would not have played that part?

*A.* I certainly would not have taken the money only for the advice.

*Q.* Of course Wilkinson really thought you were going to vote?

*A.* I presume so.

*Q.* I suppose only for the advice of these men, you would have spurned the money?

*A.* I would not have accepted it. The advice in the matter was that it would be for the good of the Province that these parties should be brought to justice, and the only reason I consented to have any of the interviews was that they might be punished.

*Q.* I am asking you this: If you had not received the advice and counsel you received from the members of the Government, you would have continued to act as you had in the first place, and spurned the offer?

*A.* I would not have taken the money if the members of the Government had not told me that was the proper course to pursue.

*Q.* In the first place, you felt indignant and spurned the offer?

*A.* I did.

*Q.* And you would have continued to act in that way?

*A.* Yes.

*Q.* You spoke about Wilkinson telling you about a mortgage of $20,000, and connected my name with it. Are you sure about that?

*A.* He said the Solicitor of the party.

*Q.* And you assumed that it was I?

*A.* You had been mentioned in another conversation as the Solicitor of the party.

By Mr BLAKE.—You were asked a question as to whether Kirkland did not seem to be acting for himself in the first interview?

*A.* Yes.

*Q.* Then you were asked also as to whether he did not make some statement about his matter being carried on more on its merits than it seemed to be carried on, and that there was an explanation given to him that it was impossible to carry it on in any other way. About when was that explanation made? You said that then a change had taken place as to Kirkland's action in the matter?

*A.* I told him in the first conversation that I could not vote against the Government. Then he came on the Thursday after I had seen Wilkinson with a proposition of payment for advocating this policy, even if I could not vote for it. Then it was on the Saturday that the others wanted to know, he said, what I would do.

*Q.* And it was then you perceived a change in Kirkland!

*A.* Yes, on the Saturday.

*Q.* State distinctly what the change was?

*A.* Well, that he was working with the other party, because he said he had had a meeting with Bunting, Wilkinson, and these other parties, and had talked matters over in regard to the timber policy, and he came to me then, not only for himself, but as representing some others.

Q. And his timber policy was to be gained by the defeat of the Government?

*A.* Yes.

*Q.* Now, in regard to this question of the receipt of the money; you say that the Government said, "Let them go on and see how far they will go"?

*A.* Yes.

*Q.* You also stated that Mr. Pardee told you that from the beginning of the session they had heard that attempts would be made to buy up members?

*A.* Yes.

*Q.* Why was it thought reasonable that you should take the money?

*A.* In order that there might be evidence.

*Q.* It was simply your word against the word of these men? And, in order to see first how far they would go. and in the second place to get the evidence in your hands to let them go on?

*A.* Yes, the Governemnt explained that I would put myself in an invidious position by going so far and letting them deny that anything had taken place, but if the money was handed over it would save me from that, and put the matter beyond a doubt.

*Q,* It would cease then to be a matter of joke, because there would be the evidence?

*A.* Yes.

Mr. Meek objected that Mr. Blake was leading the witness.

Mr. Blake replied that it was allowable to give a resume of the evidence which had been given already, and remarked that he had done no more than that.

The Chairman.—I do not think that there has been any leading of the witness.

*Q.* Upon this day on which you did receive the money, what had been your intention?

*A.* Not to go any further—not to have anything more to do with them.

*Q.* Was it with that view that you were going to the House?

*A.* I had started to the House, and had made up my mind that even though it was thought best, I would not go on—I did not care about touching it then.

*Q.* Until you were recalled in the way you stated?

*A.* Yes.

*Q.* Did you receive it for any other purpose than as a matter of evidence?

*A.* For no other purpose.

WILLIAM WARD, Inspector of Police, recalled by Mr. Blake.

*Q.* Have you produced the papers asked for?

*A.* Yes; those are the balance of them in the envelope.

*Q.* When did you put them in the envelope?

*A.* When the others were separated to give to Mr. Kirkland.

*Q.* On that occasion they were put in the envelope?

*A.* Yes.

*Q.* They have remained there since, and you have now opened the envelope?

*A.* Yes.

*Q.* And you have no other papers belonging to them?

*A.* None belonging either to Mr. Kirkland or Mr. Wilkinson.

By Mr. MEEK.—*Q.* There are no other papers of Wilkinson's?

*A.* No, he got all his papers.

PETER GRAHAM, called by Mr. Blake, and sworn.

*Q.* You are a member of the Local Legislature?

*A.* Yes.

*Q.* Representing what County?

*A.* East Lambton.

*Q.* And you were present at the House last session?

*A.* Yes.

*Q.* Did you come in contact with Mr. Kirkland?

*A.* I did.

*Q.* Did you know him before the session?

*A.* No.

*Q.* About what period in the session did you become acquainted with him?

*A.* Some time in February, I think.

*Q.* The House began on the 23rd of January, and the first vote was on the 5th of February; was it before the first vote was taken?

*A.* I could not say.

*Q.* Under what circumstances did you meet him?

*A.* I was introduced to him by Mr. Lyon, the member for Algoma.

*Q.* Upon your introduction to Mr. Kirkland, what took place?

*A.* Nothing in particular at that time; just passing the time of day.

*Q.* At a subsequent period did you meet?

*A.* Yes, frequently.

*Q.* Had you any conversation with him?

*A.* I had a short conversation one day respecting the timber policy of the Government.

*Q.* What was the subject of it?

*A.* He intimated to me that he wished to get the timber policy of the Government changed, that it was not in the interest of the country as it was at present, and that he would prefer the land being sold, timber and all. He said at the same time that he understood that I had voted against the timber policy in a previous session. I said I had, but that this was a different question, and that I was satisfied with the present policy, that I was not satisfied with the one which had been introduced at the beginning of the previous session, thinking it not in the interests of the settler.

*Q.* But that you were in sympathy with the present policy?

*A.* Yes.

*Q.* Did he say anything further to you?

*A.* He spoke something about Caldwell, and said he was trying to outbid him in his limits. He said that he had as much money as Caldwell. That was all that passed.

*Q*, When was the next conversation.

*A.* It was in my own room in the hotel.

*Q.* Do you recollect about the date of that?

*A.* I think it was on the 12th of March; it was on the Wednesday previous to their arrest; to the best of my recollection that was the day.

*Q.* Where were you boarding?

*A.* At the Walker House; my room was No. 38.

*Q.* Did he come to your room?

*A.* Yes.

*Q.* What passed?

*A.* He asked me if any person had been speaking to me about timber limits; if Mr. Lyon was speaking to me; I said he had been; he said he had come to make the arrangement—to conclude the bargain; I was smoking a cigar and reading a book: I got up and shook my fist in his face, and said, "You cannot carry enough money to buy me;" I said that I was a Canadian representative and not a purchasable commodity; I told him I wanted him to understand that this was not Yankeetown; that he was playing a dangerous game, and that I did not think he would get one of the Government supporters.

*Q.* Did he define his offer?

*A.* No, I did not give him time.

*Q*. Did he mention figures?

*A*. No.

*Q*. What did he say after that?

*A*. He got up and said, "Well, if I cannot induce you to vote against the Government," perhaps I would make a short speech, and I would get something substantial; he said, "You will get something substantial, you understand;" I said I did not want any understanding about it, and he left the room.

*Q*. So you haven't got the money to corroborate your story, because you broke it off in that way?

*A*. No.

*Q*. Did you see him again?

*A*. I met him on the evening of the 17th: he bade me good evening; that was going out of the cloak-room, and he said he wanted to have a chat with me; I said I did not want to speak with him.

*Q*. Had you any interview with Wilkinson?

*A*. No.

*Q*. Do you know him?

*A*. I have met him occasionally; he was pointed out to me?

*Q*. No further approaches were made to you?

*A*. No, none.

By Mr. CASWELL.—The first time you saw Kirkland and spoke about the money was on the 12th of March?

*A*. I think that was the date.

*Q*. It was the Wednesday of the week before he was arrested?

*A*. Yes, as near as I can recollect.

*Q*. He asked you if you had seen Mr. Lyon?

*A*. He asked me if Mr. Lyon had spoken to me.

*Q*. I suppose Mr. Lyon had spoken to you?

*A*. Yes.

*Q*. There was nothing wrong between you and Mr. Lyon?

*A*. No.

*Q*. I suppose he urged that there should be a change of policy?

*A*. No.

*Q*. Had he spoken favourably of a change?

*A*. No.

*Q*. What did he say?

*A*. He said he intended to vote against the Government on the timber policy.

*Q*. Did he ask you to support a change by vote, or in any other way?

*A*. No, Mr. Lyon did not.

*Q*. Did Mr. Kirkland ask you to support a change?

*A*. Yes.

*Q*. You had made no promise?

*A*. No.

*Q*. Had he asked you before the 12th to vote against the Government?

*A*. Yes.

*Q*. Generally, or on the timber policy?

*A*. On the timber policy.

*Q*. Did he explain to you that there was a motion or question coming up upon which this timber question would arise?

*A*. He said something about it, I do not recollect what.

*Q*. Did he put it: "To vote against the Government," or "In favour of a change?"

*A*. He said in favour of a change.

*Q*. Then it was simply voting in favour of a change.

*A*. Yes.

*Q*. Now we come to the 12th; you said Lyon had spoken to you; what did he say after that?

*A*. He said he had come to conclude the bargain. I said Lyon had spoken to me and he said he had come to complete the bargain or arrangement—I cannot remember which word.

*Q*. Then, what was your answer?

*A*. I threw down my book, and I said, "Kirkland, you cannot carry money enough to buy me."

*Q*. No one had mentioned money?

*A*. There was the inference.

*Q*. You had an idea that there was money?

*A*. Yes, money offered, though I had no idea of accepting it.

*Q*. Had you ever been bought before?

*A*. I think not.

*Q*. Had any person made any offer of money to you before in any other Parliament, or at any other time?

*A*. No, never.

*Q*. You said all the money he had could not buy you?

*A*. I said he could not carry enough money to buy me.

*Q*. What did he say?

*A*. He said, "If I cannot induce you to vote against the Government, will you make a short speech against it?" and he said, "You will get something substantial." He repeated the word "substantial" twice.

*Q.* Could there be any mistake about the words he used? You clearly understood that there was an offer of money? What was that something substantial?

*A.* Well, you can take your own view of that. I suppose it was something tangible—something you could take hold of.

*Q.* Money or money's worth?

*A.* Yes, I think you understand it pretty well.

*Q.* Did he seem surprised when you said all the money he had could not buy you?

*A.* I do not think he was much surprised. He would not have made the answer he did if he had been.

*Q.* You do not think he was surprised at your refusal?

*A.* No.

*Q.* What was your answer as to making a speech in favour of a change in the timber policy?

*A.* Well, it was perhaps rather irreverent. I told him to go to Halifax, and if not there, he could go further.

*Q.* Did anything further take place on that occasion?

*A.* No.

*Q.* He did not produce any money, and he didn't offer any?

*A.* No.

*Q.* Did he seem to be in earnest?

*A.* I think he was.

*Q.* I suppose you and he had been intimate during the session?

*A.* No.

*Q.* Had you met?

*A.* Yes, occasionally in the Walker House, and once in the Rossin House.

*Q.* Anywhere else?

*A.* In the Parliament Buildings, of course.

*Q.* But outside of that?

*A.* I never met him anywhere else.

*Q.* In no other hotel or house of entertainment?

*A.* No.

By Mr. MEEK.—You didn't tell any member of the Government that any offer had been made?

*A* No.

*Q.* You acted the part of an honorable man, and stayed away. Possibly if you had told the members of the Government you might have been induced to take another course?

*A.* No, I don't think so.

*Q*. Had McKim seen you?

*A*. Yes.

*Q*. Didn't he introduce the question?

*A*. He asked me a question, and I answered it.

*Q*. What was the question?

*A*. He asked me if I was going to take money from Kirkland, and I said no.

*Q*. You had seen no person at all—no member of the Government or any person else?

*A*. No, with one exception; previous to all this I was asked by a member of the Government what was this report about certain supporters of the Government going to vote against them on the timber policy; I said that I was not.

By Mr. BLAKE.—You said that Mr. Kirkland had stated that he had come to make some agreement or bargain?

*A*. I could not say which word he used; I felt annoyed.

*Q*. Had Mr. Lyon seen you before Mr. Kirkland saw you?

*A*. Yes.

*Q*. Had Mr. Lyon made any statement to you?

*A*. He said jokingly, "Do you want some money?" I said I always wanted money. He said, "You can get a thousand or two, with five hundred dollars down, for your vote." I said what was it for. He said it was to vote against the timber policy.

*Q*. Did he say where you could get it?

*A*. He said that Mr. Kirkland would be willing to pay it.

*Q*. And when Kirkland came to you you had those things in your mind; you had that interview in your mind?

*A*. That was it.

*Q*. Kirkland seemed perfectly in earnest?

*A*. Yes, perfectly in earnest, I think.

The Commission adjourned till 2 o'clock.

The Commission resumed at 2 o'clock.

JAMES CRAWFORD WELSH, called by Mr. Blake, and sworn.

*Q*. You are the Accountant of the Bank of British North America in the city of Toronto?

*A*. Yes sir.

*Q*. You were examined before the Committee of the House in this matter?

*A*. Yes sir.

*Q*. Do you remember that day in March, the 15th, as you said, some persons coming into your bank?

*A*. Yes, on Saturday, the 15th of the month.

*Q.* Who were the two that came into the bank?

*A.* Fred. Stimson was one, and John Shields I was informed was the other. I did not know John Shields personally.

*Q.* Frederick Stimson you did know personally?

*A.* Yes.

*Q.* Had you known him for some time?

*A.* Yes, some four or five years.

*Q.* Had you been in Ottawa?

*A.* I was stationed in Ottawa.

*Q.* And there you had known Mr. Stimson?

A. There I had met him.

*Q.* Had you seen Mr. Stimson some time before?

*A.* No, I had not since I left Ottawa. Of course I saw him—

*Q.* That is the man (showing photographs)?

*A.* Yes. (Photographs marked exhibits M and N.)

*Q.* What request did he make?

*A.* He wanted me to give him some $100 bills for large ones.

*Q.* What were the denomination of the bills that were presented to you to be changed?

*A.* Six $500 bills.

*Q.* And what did he ask you to change them into?

*A.* He wanted $100's.

*Q.* And was this the denomination into which you did change them?

*A.* Yes, the $100 bills of our bank.

*Q.* You cannot swear to the identity of these bills, I suppose, but that was your issue of March 15, 1884?

*A.* Yes.

*Q.* And either these identical bills or some identical with them were what you changed them into?

*A.* Yes.

*Q.* Of course you do not keep the numbers in your book to be able to identify them further?

*A.* No sir. (Bills put in as exhibits D. and E.)

*Q.* Now, which of these men was it took out the money to have it changed?

*A.* Mr. Stimson.

*Q.* And had he other money with him at the time?

*A.* Yes, he had quite a roll of bills.

*Q.* From this roll of bills did he take the $3,000?

*A.* Yes, he took the six $500 bills.

*Q.* Who was it that told you the other gentleman who was with him was Mr. Shields?

*A.* I had seen him previously with Mr. Stimson, and I had been informed—in fact, I knew him at the time he came in that he was Mr. Shields, although I did not know him personally.

*Q.* And you now know that the person who came in was Mr. Shields?

*A.* I am positive.

*Q.* Would you be able to say what amount of money there was in Stimson's hand, supposing it to be in $500 bills?

*A.* He had $500 and $1,000 bills both. The outside bill was $1,000 bill. I should say he had from $6,000 to $10,000—just guessing.

*Q.* Then you gave him the bills?

*A.* I did.

*Q.* Did anything further pass between you?

*A.* No sir, nothing. He gave us the $3,000 in Dominion notes.

*Q.* Had you seen him in the city prior to this Saturday?

*A.* I had.

*Q.* Where had he been staying?

*A.* At the Club Chambers.

*Q.* Do you know how long he had been in the city?

*A.* I do not.

*Q* How long before this Saturday had you seen him?

*A.* I think perhaps a day or two previous.

*Q.* You had not seen him before that in the city?

*A.* No sir.

*Q.* Where was it you had seen him previous to the Saturday?

*A.* I met him on King street.

*Q.* And were you well enough acquainted with him then to speak with him?

*A.* Yes, I went up and shook hands with him, and had a long talk with him.

*Q.* Are you aware where Mr. Stimson is at present?

*A.* No, I do not know.

*Q.* Do you know what his occupation was?

*A.* He was a Rancher in the North-West.

*Q.* Did you see him after that Saturday?

*A.* No.

*Q.* You could have no means, of course, of ascertaining whether these were the identical bills?

*A.* No, none whatever. $100 bills as a rule are in moderately good condition, moderately clean and bright.

*Q.* Now, you have said that this is a photograph of Mr. Stimson; would you just give a description of him—what height was he?

*A.* He was a large man, I should say a little over six feet.

*Q.* Then as to whiskers or otherwise?

*A.* I do not exactly remember; I do not think he had any whiskers. Perhaps he had a little whiskers up at the side.

*Q.* What would be the colour?

*A.* He had a florid complexion—I should say darkish whiskers—no decided colour.

*Q.* As to his shoulders?

*A.* He had a slight stoop. He was a big man bodily, but this stoop detracted from his height.

*Q.* You think that was perceptible?

*A.* Yes.

*Q.* And you do not know anything further about this matter than what you have told us now?

*A.* Nothing whatever.

*Q.* You are still in the employment of the Bank?

*A.* Yes sir.

George Henry Comberbach Dunstan, called by Mr. Blake, and sworn.

*Q.* What was your engagement in the city in the month of March last?

*A.* Paying Teller in the Federal Bank.

*Q.* Are you still in that same establishment?

*A.* Yes sir.

*Q.* Do you remember on the 15th of March some persons coming to you and asking you to change some bills?

*A.* Yes sir.

*Q* Do you know who they were?

*A.* Mr. Shields and Mr. Stimson.

*Q.* And what was the request they made of you

*A.* They wanted to know if I could change some $1,000 bills into $500's.

*Q.* And the $1,000 bills were of what denomination?

*A.* They were $1,000 bills of the Dominion issue.

*Q.* They were the legal tender notes of the Dominion?

*A.* Yes, sir.

*Q.* And to what amount had he these $1,000 bills?

*A.* He had a good sized roll in his hands, as much as you could conveniently hold.

*Q.* Amounting to what, would you think?

*A.* The top bill was $1,000, but I do not know what the rest were.

*Q.* You knew the second, the third and the fourth were, I think.

*A.* Yes.

*Q.* So that four at all events were $1,000 bills, and there was a good handful left over after?

*A.* Yes.

*Q.* And he simply asked you to change them into $500 bills?

*A.* I have an idea that he asked us to change them into $100 bills first; and I told him we had none of our own issue, and then he asked for $500 bills.

*Q.* You have $500 bills of your bank?

*A.* No, I think $50 were the largest we had.

*Q.* Then what did you give him of the $500 bills?

*A.* The same as he gave me—Dominion notes.

*Q.* But three of those were changed?

*A.* He gave me two $1,000 bills, and I gave him four $500's, and then he said, "I think you might as well give me another," that was making $3,000 altogether.

*Q.* Had you anything between the $500 and the $50?

*A.* I could give him $100 notes legal tenders, but he did not want those.

*Q.* The result was that being asked for $100 bills, and not having them, you gave him $500's to the extent of six, and took the three $1,000 bills?

*A.* Yes, sir.

*Q.* Had you known Mr. Stimson before?

*A.* No, sir.

*Q.* Would you know him from his photograph?

*A.* No, I would not, because the railings of the counter were between us, and I did not notice him particularly.

By Mr. Commissioner Scott.—*Q.* I understand you to say that it was Mr. Stimson?

*A.* I learned that afterwards, but at the time I did not know who it was.

By Mr. Blake.—*Q.* Who was with Mr. Stimson?

*A.* Mr. John Shields.

*Q.* You know him?

*A.* Yes, sir.

*Q.* How came you to know it was Mr. Stimson?

*A.* Because Mr. Shields told me subsequently

*Q.* Had you met Mr. Stimson?

*A.* Never saw him before or after, that I know of.

*Q.* You had known Mr. Shields previous to that?

*A.* Yes, sir.

*Q.* Who was it brought the money in?

*A.* Mr. Stimson.

*Q.* What day was it that Mr. Shields told you that it was Mr. Stimson?

*A.* On the subsequent Friday, the 21st of March.

*Q.* And you had no conversation with Mr. Shields about Mr. Stimson until the Friday after the bills were changed?

*A.* No, sir.

*Q.* And that is all you know about this matter?

*A.* That is all I know.

*Q.* It was on the Saturday you changed the bills?

*A.* Yes, the 15th of March.

ROBERT M'KIM, recalled by Mr. Blake.

*Q.* Can you recognize that photograph (showing Exhibit M and N)?

*A.* Yes, that is the likeness of the man that was introduced to me as Lynch; the only thing I notice is that the side whiskers were cropped a little closer than that.

*Q.* Then as to the round robin; I had not the paper when I examined you before; will you say whether that is such a one as was presented to you (showing)?

*A.* About the same in substance, but not got up in the same style.

*Q.* Just read it over, and see if in substance it is the same?

*A.* Yes, it is the same; I saw the document before.

*Q.* Do you know in whose handwriting that is?

*A.* I believe that is Mr. Wilkinson's; I saw him write on the back of Macpherson's etter.

*Q.* Did Mr. Wilkinson say anything to the effect that if proceedings were taken, or anything as to how they would carry the thing through?

*A.* How do you mean.

*Q.* Did he say anything in regard to swearing?

*A.* Oh yes, he said the men they took up, when they undertook a man they would swear him through; such as in my case.

*Q.* In what connection was it that Mr. Wilkinson made that remark?

*A.* It was about the time he was making me these offers; I think it was some time in the beginning of the interview with him.

JOHN CASCADEN, called by Mr. Blake, and sworn :

*Q.* You are a member of the Parliament of the Province of Ontario ?
*A.* I am.

*Q.* And you were, during the last session ?
*A.* Yes, sir.

*Q.* What constituency do you represent ?
*A.* West Elgin.

*Q.* Had you been in the House before the last election ?
*A.* During the previous Parliament.

*Q.* Do you know whether or not there was a very considerable contest at the last election between the two parties in the province ?

*A.* I am aware of it.

*Q.* And what was it that made the contest so very warm between the Dominion and the Local Legislatures ; were there any questions between them ?

*A.* There were certain very prominent questions—Jurisdiction among other things.

*Q.* One we have had read out to us to-day, as the License question, the Streams Bill, and such matters ?

*A.* Yes, the question of the boundary, and so on.

*Q.* And was the contest fought bitterly or otherwise ?
*A.* Very warmly.

*Q.* And it resulted in a return to the House of a majority of which party ?
*A.* The Liberal party that supports the Government.

*Q.* A large or small majority ?
*A.* A rather small, a reduced majority.

*Q.* Were there any protests against the sitting members ?
*A.* A large proportion of the elections were protested.

*Q.* Your own, I believe ?
*A.* Yes, among the rest.

*Q.* So the contest was warm as you say between the parties, and then there were the protests, and then it came to the third feature of it ?

*A.* Yes, the strife was maintained throughout the year.

*Q.* And then how long had you been in the session before anything of an approach was made to you ?

*A.* The session began in the middle of the week, on the 23rd of January. It was during the following week. The following Monday I was away home, ill and unable to get down. But during the remainder of the week—it would be the 2nd or 3rd of February.

*Q.* And just mention to the Commissioners in what shape the approach was made?

*A.* I had been apprised by the head clerk of the hotel where I boarded that Mr. Meek called upon me.

*Q.* Who is Mr. Meek?

*A.* Mr. Meek is a barrister of this city, a former resident of West Elgin, and a former acquaintance of mine.

*Q.* And what is his position—is he a Reformer or a Conservative?

*A.* He is now, I believe, a prominent Conservative, he told me. When I knew him first and most he was a Liberal. I had been apprised that he wished to see me on my return from home on Tuesday of the second week of the session, and that evening, or an evening or two afterwards, he met me in the hotel.

*Q.* You were staying at the Rossin House?

*A.* Staying at the Rossin House. And drawing me into conversation aside, he wished to have a private chat, which I consented to at once. Very soon, after some preliminaries of a general character as to our families, and invitations to visit him at his home, and all that sort of thing, he launched out into a statement of his position in the party. He said, "You know my position in the Conservative party?"

*Q.* Did he mention what his position was?

*A.* Not definitely—that he was in a trusted position, a sort of executive position. He assured me he was in a position to speak for them. He wished me to assist in the overthrow of the Government.

*Q.* What reasons did he assign, or upon what did he base this desire?

*A.* The general statement of there being too much partyism in the country—the general statement that the country would be better if a less virulent course were pursued, and a more moderate course.

*Q.* So you were to undertake to obliterate party lines by defeating the Government?

*A.* Yes.

*Q.* Did he define any plan to you then?

*A.* I learned enough of it to know that he was speaking in earnest in this business, and I regretted that I had allowed him to communicate more fully than I otherwise would if he knew my hostility to his scheme. I then told him that I was anxious to retire, when he assured me that he would see me again as to the matter. He did see me again.

*Q.* How long after this first interview was it that he saw you again?

*A.* He was the first man I met after I stepped out of the elevator the next morning. Being ill, it was late when I got down.

*Q.* Did you understand from him whether or not you were the first person that had been approached?

*A.* No, I understand from him that there were five or six others who were willing to go into this scheme of defeating the Government.

*Q.* He told you so?

*A.* He told me so.

*Q.* On this second occasion, just mention to the Commissioners what took place between you?

*A.* I am unable to say when the various statements were made, whether on the night interview or on the following morning, because it seemed to be a continuation of the same conversation, and I cannot say what occurred then or what occurred the following morning; But I asked him what was the scheme, and he said it was to form a Coalition.

*Q.* What was to be the first step in the formation of a Coalition did he mention?

*A.* It was, to embrace two, and he would be willing to concede three, members from the Liberal party, and the other three from the Conservative party.

*Q.* Did he mention how matters oould be put in such a shape first to get a Coalition?

*A.* Do you mean as a policy?

*Q.* Yes.

*A.* No, he did not.

*Q.* Was anything said as to defeating the Government?

*A.* That that would be secured by five or six of us voting for certain resolutions that were to be submitted; I was to have my choice of supporting one or other of five or six resolutions that would be submitted to me.

*Q.* Each one of which was to have for its aim the defeat of the Government?

*A.* Quite so.

*Q.* And then upon the overthrow of the Government was to spring up this Coalition?

*A.* Yes sir.

*Q.* Did he further proceed with any reasons why you should support that?

*A.* As to the propriety of these resolutions?—he did not indicate what these resolutions were.

*Q.* Did he hold out any inducement to you

*A.* He did.

*Q.* And what nature were they?

*A.* I was not to be required to attend throughout the session; I assured him I was unable to guarantee any Government or party my support on account of my health as one of my reasons for not going on with those negotiations further; and he assured me I could support one of the resolutions and then go home without resigning; but upon my assuring him that I could never return to West Elgin, after having so broken the confidence of my supporters as another reason for breaking off the negotiations, he assured me that it would not be necessary—that I should have the registrarship of Regina at $1,800, and three or four thousand dollars to pay my expenses out there.

*Q.* Was the place stated?

*A.* The name of Regina was mentioned.

*Q.* Was it mentioned as a good and healthy place to be recommended?

*A.* I was given to understand that I could have a cheque for that amount $3,000 or $4,000.

*Q.* Did he tell you that he was Treasurer?

*A.* He did not.

*Q.* Was it stated what the $3,000 or $4,000 was for?

*A.* Yes, it was to be for transport expenses.

*Q.* Well, if Regina did not suit you, was there any alternative?

*A.* Yes, I was to have my choice; British Columbia was mentioned, that I might make a choice there; I spoke of Regina being too austere a climate for my health.

*Q.* Did anything else pass between you, or did that end your interview?

*A.* It did practically; so far as offers were concerned, that is all the offer made to me.

*Q.* Was the name of any person mentioned by Mr. Meek in connection with any of these offers?

*A.* I asked him directly who was to be the leader of the new Government?

*Q.* Yes, but of any person in connection with the offers made to you?

*A.* No sir, he named no one; I remember of no name been given by Mr. Meek on that or any other occasion.

*Q.* Did he ever offer to introduce you to any person?

*A.* He suggested my going to see Mr. Bunting.

*Q.* Was that at one of these interviews?

*A.* It was early in the interview of the first evening.

*Q.* And what was to be the object of your going to see Mr. Bunting?

*A.* I do not know, any more than I knew Mr. Bunting to be a Conservative, which Mr. Meek was aware of; he did not assign any reason; I do not know what his reason was.

*Q.* Who is Mr. Bunting?

*A.* I learn that he is the proprietor of the *Mail* newspaper.

*Q.* That is a paper published in Toronto?

*A.* Yes.

*Q.* Did he say anything about any authority from him?

*A.* Not from Mr. Bunting; he spoke as if he represented in that way the Conservative party.

*Q.* Then, how did that interview break off, if it did, or what next happened?

*A.* The first evening I said to Mr. Meek, "Nothing can come of this, and I feel too ill to remain up," and I went in the elevator and went into my room. The next day I asked him who was to form the Coalition Government; that was the second interview; we had only two interviews; and he named Mr. William Meredith as the leader of the new Government. I sought to make that the occasion of breaking up the interview, because, I said, after the West Middlesex election and its revelations, and the Weekes' business, I would not support him as a member of the Coalition Government. Mr. Meek assured me that what he said then was merely a matter of his own saying, and that he was not speaking in a representative capacity or for the Conservative party, but that it was simply a matter of his own conversation that suggested itself to himself.

*Q.* Was that the way he opened the conversation?

*A.* No sir, it was not.

*Q.* Did you see Mr. Wilkinson at all about the House?

*A.* I never saw him to know him until he was pointed out to me in the Police Court after the session.

*Q.* And did you see Mr. Bunting at all?

*A.* I saw him a few days afterwards.

*Q.* On what occasion was that?

*A.* A note was passed over to me in the House by the member for East Elgin, Mr. Ermatinger, asking to have an interview with me in the corridor.

*Q.* How long was that before the interview with Mr. Meek?

*A.* The following Monday afternoon, shortly before six o'clock.

*Q.* Were you introduced?

*A.* I saw Mr. Ermatinger in the corridor of the House, and he proposed adjourning for some conversation to the refreshment room, which we did immediately or almost immediately, and then Mr. Bunting came in and I was introduced to him.

*Q.* What passed between you?

*A.* Some hasty words. He spoke of the independent speech Mr. Gibson of Hamilton was making at the time. He spoke of his rallying the Government—that it was independent and right, he was pleased to see it, and it would be well to obliterate such strong party lines and amalgamate or coalesce, and referred the conversation to me, if I did not think so. I felt from the expression of surprise, and the word of surprise that Mr. Ermatinger and Mr. Monk employed when Mr. Bunting came into the refreshment room—because I saw them near him in the chamber a few moments before, I thought the expression of surprise was feigned, and it made me think that that interview with Mr. Bunting was sought for some purpose the same as that with Mr. Meek, especially as Mr. Meek had proposed that I should go and see Mr. Bunting. I at once associated that with Mr. Bunting's expression about Mr. Gibson, and became at once resentful; some violent language passed between us, and I left the room.

The CHAIRMAN.—What Monday was that?

*A.* It was the first Monday in February.

Mr. BLAKE.—The plan of this coalition was that it was to be only a coalition for the Ontario Government—it did not embrace one for the Dominion?

*A.* Not at all. At least there was no reference made to the Dominion.

*Q.* So that the party lines were only to be obliterated here and not there?

*A.* Quite so.

*Q.* Then you did not see Mr. Bunting afterwards?

*A.* Not to speak with him. I saw him in the House afterwards, but I had no conversation with him.

*Q.* And do you know anything more yourself, personally, of any of those offers or of matters connected with this enquiry?

*A.* Nothing more, except one matter that I had quite forgotten at the Police Court. The day of the exposure of this matter in the House, I was going up to dinner, and Mr. Kirkland met me at the elevator on the second flat where my room is, and went with me in the direction of my room so far as to reach his own room which was a portion of one corridor, and during that short walk he asked to have an interview with me later on. He understood that I was at Algoma assisting Mr. Lyon in his election, and was therefore somewhat interested in his success, and he said that if a certain line of land policy was changed, was reversed by a vote in the House, that he was in a position to arrange for the withdrawal of the petition against Mr. Lyon which was then pending against him. I said, "I have not dined yet; I am in a hurry, I may perhaps see you later on." But I did not see him later on. That was on the Monday, the 17th March. The conversation only lasted a minute, and it was all on his own part.

*Q.* And that is all you know?

*A.* That is all I heard of this matter.

By Mr. MEEK.—*Q.* When did you say that our acquaintance began?

*A.* I did not say.

*Q.* Can you say?

*A.* I cannot say definitely. I think fully 20 years back—22 or 23 years.

*Q.* The time I went to school to you when I was a boy; I suppose you recollect that?

*A.* Yes; many things.

*Q.* Do you recollect my meeting you several times at the various sessions of Parliament?

*A.* Yes, I think almost every session.

*Q.* You did not look upon it as anything unusual my speaking to you on this occasion?

*A.* No, not the slightest.

*Q.* Now, where did that interview occur?

*A.* It occurred in the Rossin House—the first one and the second one.

*Q.* Are you sure of that?

*A.* Quite sure; I was rather uncertain at first, but I am able to associate matters with it now that make me quite certain.

*Q.* Are you as positive about this as you are about everything else you have stated?

*A.* I am positive that the interview occurred in the Rossin House.

*Q.* I ask you are you as positive on that point as you are about everything else you have stated?

*A.* I am: I remember about references I made there in the conversation; I remember distinctly going to the elevator; that is the reason why I am positive about its being in the Rossin House?

*Q.* Do you recollect that upon that occasion you spoke to me about your course in the House, and about your getting away for the session, that you were ill, that you had the sciatica?

*A.* Yes.

*Q.* And that you intended to go the hospital for three weeks?

*A.* Yes, sir.

*Q.* That was the beginning of the conversation, was it not?

*A.* No, sir; it was not the beginning of the conversation.

*Q.* First we began shaking hands and sitting down, and you telling me about your having the sciatica?

*A.* No, that was not next in order.

*Q.* Well, what was next?

*A.* Well, it was of very little consequence; that was not the second or the third thing referred to.

*Q.* Well, what was the second or third?

*A.* An inquiry in regard to the news from Elgin, an inquiry in regard to my family, an apology about my not visiting you at your home, and exacting the promise that when my wife came down—a lot of this general chat that is not worth discussing; and then the question about my health, and you understood it was quite poor, and I told you it was and the nature of it; that is about the line of the conversation.

*Q.* And that you intended to go to the hospital for three weeks?

*A.* Yes.

*Q.* And that if you did not get any relief from that, you were going to New York?

*A.* Quite so—that is all correct.

*Q.* And do you recollect my saying to you that probably that would make some difference in the voting in the House, as the majority was very narrow?

*A.* You did not state that as a matter of great consideration at that time.

*Q.* Do you remember my saying to you, "That will take one vote away, which would make a difference of two in the majority?"

*A.* You may have said that; I do not remember.

*Q.* Do you recollect your saying that you did not care about that?

*A.* Not at that time, sir. I remember distinctly playing the rôle of being very indifferent to the fate of the Mowat Government after you said you were the representative of the Conservative party, and willing to treat for them.

*Q.* What reason had you to play any rôle with me?

*A.* Because, sir, in the first place I had heard rumors.

*Q.* Whom had you heard rumors from?

*A.* From several parties in various parts of the Province that it was still on the cards, even though the elections were over, that Mowat must go.

*Q.* That was the rumor?

*A.* Yes, and other rumors; I heard of members being approached during the summer.

*Q.* When did you begin to play this rôle?

*A.* After you made proposals to secure my support for a consideration.

*Q.* Didn't you say that you did not care, that the party and the Government had not treated you properly?

*A.* I spoke very much in that strain.

*Q.* You said that you had a bitter party fight every time in your own constituency, and that your party had not assisted you one cent?

*A.* I never said that, because my party was never required to assist me.

*Q.* The heads of the party here, and that you had to pay your own expenses?

*A.* I never did, because I had no expenses but the most paltry expenses.

*Q.* Didn't you say that you could carry your constituency in spite of the whole Mowat Government?

*A.* Yes, sir.

*Q.* Didn't you say that you told them so?

*A.* I may have said that.

*Q.* Didn't you say that you had attended a meeting of the Cabinet, or the Ministers, previously, and that you had done some pretty tall swearing at some of them?

*A.* I never said so, and it never occurred. What I did say was that I had some conversation with some members of the Government, which was very unpleasant; but it was no Cabinet meeting or Government meeting. I never was at a meeting of the Cabinet in my life, and never said so, because I suppose you would think it was absurd.

*Q.* Didn't you tell me that you had shook your fist in Pardee's face?

*A.* Yes, I did.

*Q.* Didn't you tell me that you swore at Mr. Pardee, or Mr. Hardy?

*A.* No sir, because I did not swear at either of them. There is nothing but the most perfect accord between them and me.

*Q.* Will you deny that you said so?

*A.* I will not deny, but I do not think I said so.

*Q.* Didn't you say to me that you had had some difficulty about some office or patronage in Elgin with members of the Government?

*A.* No.

*Q.* Do you deny that?

*A.* I most positively deny that.

*Q.* Didn't you say to me that the patronage had always gone to the east?

*A.* I did sir.

*Q.* And you were bound to get some of it for West Elgin, and you were entitled to it

*A.* Yes sir.

*Q.* Do you remember of my then speaking of the Shrievalty—that Mr. Sheriff Munro was supposed to be dying?

*A.* I remember distinctly that we did.

*Q.* And that it was expected to be vacant very shortly?

*A.* I remember we discussed Munro's health.

*Q.* Do you recollect my saying to you that I had been informed that Mr. Nairn had a written promise of the appointment?

*A.* I do not think you went that far..

*Q.* Do you remember my telling you that Mr. Freeman and Mr. Widdifield, members of the House, were my authority for saying that?

*A.* I do not remember that.

*Q.* Do you deny that?

*A.* I do not deny that, because I told you at the time that I heard from Mr. Ermatinger that Mr. Nairn had the promise of it.

*Q.* Didn't you say that you were damn sure he would not get it?

*A.* I remember saying that I would make my best efforts to get it for my riding.

*Q.* Will you deny that you said that?

*A.* I won't deny that.

*Q.* That was part of the rôle you played?

*A.* Yes, that was part of the rôle.

*Q.* Do you remember after this conversation my speaking of the advisability of a coalition being formed?

*A.* You stated it before that.

*Q.* You did not swear that before. You said in your evidence at the Police Court that all this occurred before any bribe was offered to you, or any talk about the change of Government?

*A.* No sir—before any particular consideration was mentioned.

*Q.* You swore in the Police Court that all of this conversation regarding your quarrel with the Government, and the Shrievalty of Elgin and all that, occurred before any approach was made to you—(reading).

*Q.* "Did you tell Mr. Meek that you had sworn at Mr. Pardee?

*A.* Yes, probably I did.

*Q.* Did you tell him why you did?

*A.* Yes, because I understood the patronage had gone to the east instead of the west."

*Q.* And made him believe that you were forcing the Government to do what you wanted?

*A.* He strains that point. I did not force the Government, nor I could not force the Government. I knew it very well. Another thing, Mr. Pardee had not the disposal of that office.

*Q.* Why did you tell him all that, when you were trying to keep away from him?

*A.* I was not very anxious to keep away from him at that time.

*Q.* When he was approaching you why were you telling him all your grievances?

*A.* The most of that occurred before any bribe was offered. That is quite correct; I did not say any of what you tried to make me say now; that is what I said then, and that is what I say now; I quite subscribe to the statement in that evidence.

. Well, I will make you swear to it before you are through?

*A.* I do swear to it now.

*Q.* You also admit that everything you said to me you asked me should be confidential, did you not?

*A.* By no means, not a word of it.

*Q.* And when I spoke to you, you also agreed that it should be confidential?

*A.* That is correct.

*Q.* Upon your honour and upon the square?

*A.* There was no pledge of that kind because you are not a square man.

*Q.* Didn't you say upon your honour?

*A.* Yes, but you asked me now if I did not accede to your proposal that this should be a private conversation on your honour, and I said nothing of the kind.

*Q.* Didn't you state that before at the Police Court?

*A.* I stated that you had asked me upon my honour that it should be considered a private conversation.

*Q.* You said at the Police Court that I could not have understood anything else than that the whole conversation was in confidence?

*A.* Yes, quite that.

*Q.* (Reading.) "You and Mr. Meek have always been on good terms?

*A.* "Speaking terms, yes, never an unpleasant word between us.

*Q.* "The conversation that you had that night was confidential?

*A.* "It was.

*Q.* "When you met you shook hands with him that night?

*A.* "As usual.

*Q.* "When you parted that night you said good night?

*A.* "We bade good night; I do not remember about shaking hands.

*Q.* "Did you part good friends?

*A.* "Oh, yes!"

*Q.* I am reading from the cross-examination of Dr. Cascaden by Mr. McMaster at the Police Court: After I had spoken to you about the effect your departure from the House would have on the Government majority, did I not follow that up with the remark that it was advisable to have a Coalition Government formed to put an end to the party strife?

*A.* I will not deny that, but you preceded that by saying that it was desirable to have a Coalition Government formed; it was the subject all through.

*Q.* And did you not say that you entirely concurred in that?

*A.* I said I quite agreed with you that there was far too much party rancour.

*Q.* And that you thought it was advisable to have a Coalition Government formed?

*A.* No, I will not say that.

*Q.* Do you deny that?

*A.* No, I rather acceded to what you proposed all the way through.

*Q.* Didn't you go further and say that you entirely concurred in it?

*A.* I may have done that but I have no recollection.

*Q.* And you knew all along that I was relying on your confidence?

*A.* Yes, making a most dishonourable proposal.

*Q.* You did not treat it as a dishonourable proposal, did you?—you concurred in it?

*A.* I ostensibly concurred in it.

*Q.* Didn't you ask, is any member of the present Government to be a member of the Coalition Government?

*A.* Yes.

*Q.* And I said no?

*A.* Yes.

*Q.* And then you said you thought that was rather hard?

*A.* I did ask that, and immediately followed it up by asking who was to be the leader, and you said Mr. Meredith, and then I immediately broke up the interview.

*Q.* I am asking of the first occasion?

*A.* This conversation did not occur on the first occasion; that was the only reason I permitted the second interview, that I might find out who the new Government should be; there were persons who observed the interview, though not near enough to hear it.

*Q.* Do you recollect, after my mentioning to you that it was desirable to have a Coalition Government formed, your speaking about the undesirability of having a Government so weak, and influenced so much by the Roman Catholic hierarchy—do you deny that you said anything about that?

*A.* Well, sir, I do; I have not the slightest recollection that you or I referred to that.

*Q.* That it would be more advisable to have a good strong Coalition than to have a Government weak enough to be controlled by the Roman Catholic hierarchy?

*A.* I deny that, because I do not believe it, and you would be the wrong man to discuss that question with.

*Q.* Well, you can reason it out somewhere else—I want you to give evidence and not reasoning here—do you recollect, in connection with that, "my majority in West Elgin was small, but it was larger the last time because I got the solid Catholic vote?"

*A.* I told you that I was indebted to the Irish vote.

*Q.* Although personally you ought not to be opposed to them, yet you were opposed to the Government being influenced by them?

*A.* That conversation did not occur.

*Q.* Do you remember telling me that out of 128 Roman Catholic votes in West Elgin you secured 124?

*A.* That is right, and you insinuated that if they could be transferred to you by my resigning, you might secure West Elgin, because you were an Irishman.

*Q.* Will you swear you did not say that

*A.* No, you asked it distinctly.

*Q.* And you said you had no reason to be personally opposed to the Roman Catholic hierarchy?

*A.* Quite so, much the reverse.

*Q.* Because you had their influence in the election?

*A.* I did not tell you that; I had the support of the individuals.

*Q.* I dare say you would not like to admit that you said that?

*A.* I would not like to admit it, because it is not true.

*Q.* After this had occurred, didn't you say that the main question dividing the parties in the country had now been settled, that is the Boundary Question, by a reference to the Privy Council, and that there ought not to be this bitter strife between them any longer?

*A.* I was not aware that it had been settled; none of the questions were settled; the conversations did not occur.

*Q* Do you say you did not say that?

*A.* No, because it is absurdly incorrect. There was no decision of these questions at that time.

*Q.* There had been agreement for a reference at that time, had there not?

*A.* Yes, between the two Provinces.

*Q.* Didn't you say that on account of the agreement for the reference of that main question dividing the parties, you did not see any reason why there should be anything of this bitter party strife.

*A.* I might have said that would end to some extent the conflict between the two jurisdictions.

*Q.* And were pleased with that?

*A.* Yes, delighted.

*Q.* And further, didn't you say that it would be a real advantage to this Province if the Government were in harmony with the Government of the Dominion?

*A.* No. I did not.

*Q.* Do you deny that?

*A.* Yes sir, I emphatically deny that. I do not think there was any reference to harmony between the two Governments, and I do not approve of it, do not think it is at all essential. I never gave that as my opinion, and I did not then.

*Q.* Didn't you say it would be better if they were to work in harmony?

*A.* I do not think I ever said it was necessary for the two Governments——

*Q.* I ask you didn't you say that?

*A.* I spoke of the necessity of less party feeling and the bitter antagonism which unnecessarily was begotten between the two Governments.

*Q.* Can not you go a little further and recollect what you told me about bringing the Government in harmony with the Dominion Government, and the Province would thereby be benefited?

*A.* Perhaps I could be brought to explain better if you could tell me what you mean by the word harmony. I do not think the word harmony was used, because it is very indefinite. I do not know whether you mean harmony or policy, or agreeing to discuss various questions civilly and promptly if they could agree to do that.

*Q.* My recollection is that it was the word harmony—bringing them into harmony, but perhaps you can recollect what was the word you used?

*A.* I do not recollect distinctly what the words employed were.

*Q.* But you feel very strongly and positively that it was not the word harmony?

*A.* I think it was not.

*Q.* Are you positive about that?

*A.* Yes.

*Q.* Then, after your playing this rôle so far, and telling me all these things, and what you were in favour of, do you recollect your asking me whether any members on the Reform side were in favour of that view, or the formation of the Coalition?

*A.* No, I did not ask the question. Early in the conversation you told me there were five or six in favour of it.

*Q.* Are you positive it was early?

*A.* Positive—after the general preliminaries were got over. I was going to ask you who they were, but I was afraid rather you would suspect what I was after.

*Q.* You thought you would conceal that little thing from me, because you thought it would show me what you were after?

*A.* Quite so.

*Q.* Do you say you did not ask me if there were other members on the Reform side who were in favour of that?

*A.* I did not ask it; you volunteered that statement as an encouragement to me to treat.

*Q.* What did I say?

*A.* You said "We have already five or six on the Liberal side of the House who are willing to support this scheme;" you volunteered that as an encouragement to me to do likewise.

*Q.* And you were afraid I might see through you, and therefore you did not ask me the names?

*A.* Yes, I thought I might be asking you too much; that it was a Cabinet secret that had not yet been arrived at.

*Q.* After that do you remember my asking if you would be one of a number to vote against the Government?

*A.* Oh, yes.

*Q.* And did you then ask for a consideration?

*A.* No sir, I never did.

*Q.* Did you say to me that it would result in the defeat of the Government?

*A.* My going against them?

*Q.* Did you say that you and the others?

*A.* Oh, yes, I was aware of that.

*Q.* Did you say it would result in a dissolution of the House?

*A.* I won't deny that, because I know it would.

*Q.* Do you remember saying that it would result in a dissolution of the House?

*A.* No.

*Q.* And your saying that you would have to go back to your constituents for re-election, and you were sure you would be defeated?

*A.* Yes.

*Q.* You did say that?

*A.* Yes.

*Q.* And your asking me if I could tell you what the party would in that event do for you?

*A.* No sir, I positively deny that; neither your party nor my own party can do anything for me that I would accept; I have my own profession, which is better than anything they can give.

*Q.* Do you remember telling me that you had been ruined by politics?

*A.* Not ruined, but injured.

*Q.* Financially and otherwise?

*A.* Financially and otherwise—yes sir.

*Q.* And you would like to get out of public life?

*A.* I felt very much like it then, for I was very ill.

*Q.* And after telling me that it would result in the dissolution of the House and in the defeat of the Government, and that if you went back to your constituents you would be defeated, you asked me "What would you do for me in that event?"

*A.* No sir.

*Q.* You deny that?

*A.* I am pretty positive that such a proposal never emanated from me at all. Why, sir, I would not take three times $1,800 in Regina.

*Q.* You were playing a rôle all the time, and why shouldn't you ask this question?

*A.* Because you were quite aware that it was very absurd for me to look at a $1,800 office, although you offered it.

*Q.* Well, we will come to that shortly. Do you recollect your asking me if the party would not do something for you, and my saying I did not know, that I had nothing in my gift at all?

*A.* No.

*Q.* Are you positive about that?

*A.* Yes, quite positive.

*Q.* Then do you recollect your saying to me that there were plenty of positions in the gift of the Government in the North-West, and that your position in your constituency, with your friends and some who had been your friends, and relatives, was very unpleasant, and you would like to leave there?

*A.* Not a word of it.

*Q.* Do you deny that too?

*A.* Deny that it occurred at all. I said that upon my proving to be a traitor to my party, and defeating the Government, I would find it very unwholesome in West Elgin, and would not like to go back.

*Q.* Hadn't you any unpleasantness with your friends and relatives in West Elgin?

*A.* Yes, sir.

*Q.* And that they had made charges of murder and other crimes against you?

*A.* Yes, sir; but you are aware that I had lived out that and carried two elections since then. And you remember that you were up there, and that I had a very successful election, that you spoke up there in 1879, and that my influence in the riding was so strong that you came with Mr. Mitchell to solicit my support.

*Q.* I remember meeting you on a platform on one occasion?

*A.* I did not hear you speak. You just stepped down as I rose. Mr. Mitchell is in town, and he is quite truthful.

Mr. MEEK.—He is not here, but I will endeavor to get him, if the Court will allow me, after the examination.

The CHAIRMAN.—I do not like to interfere with your cross-examination, but I would like it to be a little more direct.

Mr. MEEK.—I put my questions directly, but I do not get direct answers; that is the difficulty. (To witness). After that occurred which you say you did not say, after asking what the Conservative party would do for you, and my saying I did not know, didn't you say to me, "They have various positions in the North-West and other places in their gift; couldn't they do something in that direction for me?"

*A.* Not at all.

*Q.* And then at that stage telling me about your quarrels and difficulties with your friends in your own neighborhood?

*A.* You know that.

*Q.* Then, on my mentioning to you that particular appointment in the North-West, and saying that the difficulty was that it only had a salary attached to it of about $1,000 a year, do you remember demurring to that, and saying it was small?

*A.* No. A thousand dollars a year was not mentioned to me.

*Q.* That was not worth considering at all, didn't you say that to me?

*A.* I say I did not.

*Q.* And you saying that there ought to be some $3,000 or $4,000 or $5,000 given to you?

*A.* Not a solitary word of that kind.

*Q.* Do you deny it positively?

*A.* I do.

*Q.* After all this conversation had occurred—I am asking you now about the first occasion we met—on this first occasion do you remember your saying to me that you would consider it, and asking me to meet you again?

*A.* I distinctly declare that I did not ask you to meet me again, but you said you would see me again.

*Q.* Why, you were playing a rôle?

*A.* Not up to that time. I was trying to get away, and I said, "You will have to excuse me, I am going to bed."

*Q.* Would you be surprised to learn that this occurred in the smoking-room of the Parliament House, with a half a dozen members sitting around who saw it all?

*A.* I would be surprised.

*Q.* And so you could not say you were going to bed?

*A.* I remember it distinctly, and another thought occurred to me, as to how I should best deport myself under the belief I had then.

*Q.* Do you remember shaking hands on parting with me?

*A.* No, I do not think it was necessary. You were living in town.

*Q.* And you do not remember saying to me to meet you on to-morrow at the Parliament House?

*A.* No, you made that proposal.

*Q.* Don't you remember mentioning the time—at eleven o'clock?

*A.* I do not.

*Q.* Do you remember meeting me the following day at the Rossin House about eleven o'clock or twelve o'clock?

*A.* Yes.

*Q.* And do you remember my asking the first question, "How about that shrievalty?" and do you remember slapping your hand on your pocket and saying, "I have that appointment, and it is all right?"

*A.* No, I positively did not.

*Q.* Do you remember my saying to you then, "I suppose you are not prepared to vote against the Government," in consequence of having this thing all settled about the shrievalty?

*A.* No sir, I do not remember anything of the kind.

*Q.* Do you remember saying to me this, "I am still open to leave for the balance of the session or to resign my seat?"

*A.* That occurred the night before.

*Q.* And "I would be glad to see you at any time?"

*A.* Not at all sir.

*Q.* Do you deny that?

*A.* I positively deny that.

*Q.* And my saying to you that I had no proposition to make to you?

*A.* No sir, that did not occur, but you soon ascertained the second day that I was not going to allow any further conversation on that line.

*Q.* Then, do you remember, after my declining to see you again about this offer, or treating with you on your leaving for the session or resigning your seat, our shaking hands and parting?

*A.* I do not remember anything of the kind about your declining anything of the kind. It is every word untrue.

*Q.* You say you did not say to me that you were open for any proposition as to your leaving for the balance of the session—that you had no love for the Government at all, that you would like to see them defeated?

*A.* I did state the evening before that I strongly meditated going home for the balance of the session.

*Q.* You did not say that on the second occasion?

*A.* Not on the second occasion.

*Q.* You are aware that Mr. Nairn had the promise of this Shrievalty, are you not?

*A.* I was not; I do not think he ever had it.

*Q.* Sheriff Monro died a few days after that?

*A.* I think it was nearly a month; yes, you are right, it was less than a month; it was within two weeks any way, probably sooner; but I have nothing to fix it in my memory.

*Q.* Who got the appointment of sheriff?

*A.* Mr. Donald Brown.

*Q.* He was always a supporter of yours, was he not?

*A.* Always.

*Q.* Always remained staunch and true when others left you?

*A.* He was always staunch and true to the Reform party.

*Q.* How many other applications were there?

*A.* I don't know.

*Q.* Did Mr. Black, of Doton apply?

*A.* Yes.

*Q.* Did Mr. McLean, of Cranen?

*A.* I do not know.

*Q.* Didn't he come here to see about it?

*A.* He was down here, but I do not know that he was to see about it.

The CHAIRMAN.—I would like to know what this has to do with the subject of the enquiry.

Mr. MEEK.—I propose to test the credibility of the witness. There will be a direct conflict of testimony between Dr. Cascaden and myself.

The CHAIRMAN.—There must be some limit to the examination. I do not see what the fact of all these parties coming down here has to do with the enquiry.

Mr. MEEK.—That is preliminary.

The CHAIRMAN.—But give us the material question at once.

Mr. MEEK.—I will do so. (To the witness.)—Didn't you bring these men here for the purpose of competing for the Shrievalty of Elgin, and didn't you get $1,000 from one of them for that office ?

*A.* I heard it was $2,000.

*Q.* Didn't you get $1,000 ?

*A.* I never brought any man here to compete for the office ; I forbade them coming, as I thought their visit would be useless, and I have pleasure in declaring that I never was offered or received the value of a farthing.

*Q.* Did Mr. McGugan, of Caradoc, come here ?

*A.* No ; I never saw him.

*Q.* Didn't Mr. Boston ?

*A.* Mr. Boston was here ; I met him the night either before or after the decision.

*Q.* Didn't he see you ?

*A.* He was here with his sister-in-law on a visit to Mr. Ross, and he never said a word to me about it.

*Q.* Didn't Mr. Black apply to you for your influence ?

*A.* I introduced both him and Mr. Brown to the Attorney-General together as applicants for the position.

*Q.* The man I mean as Mr. Boston is Mr. Boston of Lobo.

*A.* Mr. Robert Boston ; I know the man ; yes, I heard about the $2,000 business shortly after the session broke up.

*Q.* Are you aware that Mr. Black said you were paid $2,000.

*A.* I do not think he ever said so. As a matter of curiosity, I heard Mr. Black say that he would give some thousands to Mr. Brown if he would make way for him, and I said, " Mr. Black, don't you say anything about that, or it will close your business."

By Mr. CASWELL.—You mentioned about meeting Mr. Kirkland in the passage of the Rossin House. Was it on the morning of the 17th ?

*A.* No, in the afternoon, between three and six o'clock

*Q.* You were walking from the elevator ?

*A.* Yes, towards our respective rooms.

*Q.* And he asked for an interview ?

*A.* Yes, an interview later on.

*Q.* And what was your answer ?

*A.* Tacitly consented.

*Q.* You did not have the interview?

*A.* No, nor make the appointment.

*Q.* What was said about the interview?

*A.* He suggested an interview later on in the day, to which I assented

*Q.* You spoke about the withdrawing of a petition?

*A.* Quite so. He said I was interested in Mr. Lyon's success, as he understood I had been in Algoma, and by my assisting in changing the land policy of the Government, he was in a position to have it withdrawn, that there were three or four on the Liberal side of the House who were willing to go in for a change of Government, and speaking as if it was to be managed by Lyon. There was so little said that I did not apprehend it clearly.

*Q.* That the Government was to be changed by Mr. Lyon?

*A.* No, that the change in the land policy would be initiated by Mr. Lyon, and that he had three or four to support it, and he was in a position to assure me that if we carried it, that the protest against Mr. Lyon would be withdrawn, and that it would be $3,000 or $4,000 saved to Mr. Lyon.

*Q.* Did he speak as if he could arrange it?

*A.* Yes.

*Q.* How could he do it?

*A.* I did not ask for an explanation; I was surprised.

*Q.* Have you accepted any bribe from any person in connection with this matter?

*A.* I have great pleasure in declaring that I have not

*Q.* Have you offered any bribe?

*A.* No sir, I have pleasure in stating that I have offered no bribe.

Mr. MEEK.—*Q.* You say the evidence given by you and signed by you in the Police Court is correct—it was read over to you?

*A.* It was read over to me, and so far as I was able to take it in in a hasty reading over, it is correct.

*Q.* It was read by Mr. Denison to you and signed by you?

*A.* Yes.

The CHAIRMAN.—I do not know what the object of this is.

Mr. MEEK.—I intend to show to what extent the witness is credible.

Mr. BLAKE.—*Q.* As to that statement about the conversation being confidential, at what period was it that that request was made?

*A.* It was very early in the first conversation, just after the first preliminaries regarding health, families, and so on.

*Q.* Had you any idea that it was a matter of this kind that was to be discussed?

*A.* I had not.

*Q.* As soon as you heard that did it cease to be binding?

*A.* As soon as I heard that, I determined that it would not be binding.

*Q.* Were you aware that the places in the North-West were in the gift of the Dominion?

*A.* I understood they were.

*Q.* Were you aware the Local Government could not give you a place in the gift of the Dominion?

*A.* I was aware of the relations of the Conservative party with the Dominion Government.

*Q.* Who was it first spoke about those places in the North-West; was it you or Mr. Meek?

*A.* It was Mr. Meek.

THOMAS GOLDIE, called by Mr. Blake, and sworn:

*Q.* You reside in Guelph?

*A.* Yes, sir.

*Q.* What is your occupation?

*A.* I am a miller.

*Q.* When did you first become acquainted with Mr. Wilkinson?

*A.* It was the first Saturday in February.

*Q.* You have stated that that was the second of February.

*A.* I think it was.

*Q.* What is the Christian name of Mr. Wilkinson?

*A.* I do not know, sir—J. A. Wilkinson.

*Q.* Any other name ever attached to him?

*A.* Big Push.

*Q.* I merely asked that because that was the Christian name you gave him, if it can be called a Christian name, in your evidence before. Under what circumstances was it you were introduced to Mr. Wilkinson?

*A.* He introduced himself to me on the street in Guelph.

*Q.* And what was the subject of your conversation?

*A.* It was the question of a Coalition Government. We turned to that afterwards. After preliminary remarks, he began talking about the chances of defeating the Mowat Government.

*Q.* Did he say whether there were chances or not of defeating the Government?

*A.* Yes.

*Q.* What did he say as to the chances?

A. He did not give me further information; he did not open himself very freely to me.

*Q.* But there were chances of defeating the Mowat Government?

*A.* Yes, I understood there were a great many dissatisfied; it would not be a party defeat, but a coalition defeat.

*Q.* Where was it in Guelph you had your conference with him

*A.* It was in the office of Mr. Bell, at the organ factory.

*Q.* Was your conversation entirely about that, or were there other matters?

*A.* I do not think I was with him more than ten or fifteen minutes; it was about others matters first, and then turned into this political matter.

*Q.* How did he introduce himself to you?

*A.* I was passing, and he asked if I was Mr. Goldie. I said yes; it was about half past four, and I was going to the train to mail some letters; he seemed to know me and asked for some private conversation, and I suggested to come on here to Mr. Bell's office; that was right in front of the door.

*Q.* You had conversation on matters of little or no importance, and then he said there were chances of defeating the Mowat Government and forming a coalition?

*A.* Yes sir.

*Q.* Did he mention the name of any person who was working with him?

*A.* No sir, he did not.

*Q.* In your examination before, do you recollect that you mentioned the name of Mr. Bunting?

*A.* Yes, in a letter I had written afterwards, I mentioned Mr. Bunting. In the course of the conversation Bunting's name may have come up, but he did not say whether he was in with him or not.

*Q.* Was Mr. Bell present?

*A.* He came in just when the interview was about completed.

*Q.* Did Mr. Wilkinson say to whom you could give your answer

*A.* He said to himself. I stated in my examination at the Parliament Buildings that he said I could give the answer to Mr. Bunting; but I was excited at the time, and I recollected afterwards that he said I could give it to himself.

*Q.* You think now that is not correct?

*A.* I remember distinctly after my examination that I stated publicly that that was not correct, and that the answer was to be given here to Mr. Wilkinson.

*Q.* You are not, I believe, yourself a supporter of the Mowat Administration?

*A.* No sir, I am opposed to the Mowat Government.

*Q.* You say that with a smile?

*A.* Well, I am proud of it.

*Q.* Did he say anything about persons being dissatisfied with the Mowat administration?

*A.* Yes sir.

*Q.* And did he state that somebody had come up to Guelph to make enquiries?

*A.* I cannot recollect that.

*Q* About whom, then, was it that he wanted to make enquiries of you

*A* The member, Mr Laidlaw.

*Q.* He is the member for your riding?
*A.* Yes sir.

*Q.* You could not beat him?
*A.* We tried hard but could not.

*Q.* What did he propose to you?
*A.* He gave me to understand that Mr. Laidlaw was a man who was rather dissatisfied with his party, and that in case a coalition Government was formed he was given to understand that he was a man who would come over. He wished me to see Mr. Laidlaw, and ascertain what Mr. Laidlaw's political feelings were.

*Q.* What did you say to that?
*A.* Well, I did not agree to see him

*Q.* Did you tell him so?
*A.* Well, I demurred. He wished me to see him that night.

*Q.* And if you could not see him that night?
*A.* To see him on Sunday, and if not then, to see him before he came down.

*Q.* He was returning home from Saturday to Monday?
*A.* I presume so.

*Q.* Is your previous examination correct on that point, that he pressed you very hard to see him on Sunday?
*A.* Yes sir.

*Q.* And you did not see him?
*A.* No.

*Q.* Had you any message to give to Mr. Laidlaw?
*A.* I had no message. I was to sound Mr. Laidlaw to see what his feelings were, to see whether he was prepared to leave his party, and report to Mr. Wilkinson the result

*Q.* Did you do that?
*A.* I saw Mr. Laidlaw on Monday morning, at half-past eight.

*Q.* And had you some conversation with him?
*A.* Yes sir.

*Q.* And what conclusion did you arrive at?
*A.* I never broached the subject at all; our conversation was merely on local matters; on any thing but politics.

*Q.* Why was it you did not fulfil the task laid upon you by Mr. Wilkinson?
*A.* One thing was Mr. Laidlaw was a man who I thought would not be guilty of it, and I did not care in my own mind to take hold of any such thing.

*Q.* Did you think he was a likely man to be influenced?
*A.* No.

*Q.* So that from your knowledge, and your not wishing to be mixed up in that kind of thing, you never mentioned it at all?

*A.* No sir.

*Q.* Did you inform Mr. Wilkinson of the result of this interview?

*A.* I informed him, but not the result of the interview.

*Q.* Did you write to him in pursuance of the promise you had made?

*A.* Yes sir.

*Q.* Is that the letter you wrote (shewing)?

*A.* Yes sir.

*Q.* (Reading): "Guelph, 4th February, 1884. J. A. Wilkinson, Esq. Dear Sir,—Failed seeing party until this morning. Firm believer in N. P., otherwise in accordance with his party. I have appointed Tuesday night to see him in Toronto. Not favourable. Would not promise. Seems to me would like to see division on Address. Is aware Mowat not so strong as he was. I do not know what to say, but think not unfavourable. Would like to see both you and Bunting on Tuesday before seeing him. Yours truly." And then you do not seem to have signed it?

*A.* No sir.

*Q.* That was written on the Monday morning?

*A.* Yes sir.

*Q.* "Firm believer in N. P." There was that little glimmer of light?

*A.* He was not opposed to it.

*Q.* "I have appointed Tuesday night to see him in Toronto," Had you made that appointment?

*A.* No sir.

*Q.* "Not unfavourable; would not promise." That is just a little piece of poetry?

*A.* I just put it there.

*Q.* "Seems to me would like to see division on the Address." This was through your own spectacles?

*A.* Yes sir.

*Q.* So that none of this is correct?

*A.* No sir.

*Q.* And that was just to give an answer in accordance with the promise to Mr. Wilkinson?

*A.* Yes.

By the CHAIRMAN.—The letter does not represent what took place between you and Mr. Laidlaw?

*A.* No sir.

*Q.* You just wrote it because you had to write something?

*A.* Yes.

Mr. BLAKE.—*Q.* Did you come down to Toronto?
*A.* I came on Tuesday night.

*Q.* Where did you stay?
*A.* I stayed at the Queen's Hotel.

*Q.* Did you see Mr. Wilkinson on that night
*A.* Yes sir.

*Q.* Had you any conversation with him upon the subject of your letter?
*A.* Yes sir.

*Q.* What did you say to him?

*A.* Well, I tried to discourage it; in fact, I gave him to understand that I did not want to have anything to do with it at all; I did not think Mr. Laidlaw was a man of that kind.

Q. Before you came to that conclusion, had you any further conversation with Mr. Wilkinson as to his plans and the probabilities of his success, and his modes of carrying that out; that is, at this interview at the Queen's Hotel or the next day?

*A.* I met Mr. Wilkinson on the street, and I went to his room at the Walker House with him, and we stayed there ten or fifteen minutes and left; he did broach a little more to me then, and talked about Coalition Government, and gave me the name of Mr. McKim as a man who had changed his political opinions, and he said there were others who were willing.

Q. Did he mention others by name, or suggest generally that there were others?
*A.* Generally

*Q.* That would then be on the 6th?
*A.* 5th—the night of the 5th.

*Q.* Monday was the 4th
*A.* Well, Tuesday.

*Q.* Then did he indicate to you by what means the coalition was to be formed and the Government defeated?

*A.* Well, some were dissatisfied, and they would take in three of the Opposition to orm a Cabinet.

*Q.* By what means were they to get the persons to change their views and vote against, instead of in favor of, the Government?
*A.* I inferred that he would use unfair means in the case.

*Q.* Corrupt means?
*A.* Yes, I inferred that.

*Q.* You also indicated what the corrupt means were

*A.* I don't think so, except he talked once about offices, but I inferred from his conversation that it was money.

*Q.* Did he indicate to you that he expected to use money?
*A.* Well, I inferred that.

*Q.* He spoke to you about Mr. McKim, naming him?

*A.* Yes.

*Q.* He spoke about other persons, without naming them, that could be gotten?

*A* Yes.

*Q.* About how many did he say?

*A.* Well, I understood it that it would be five or six.

*Q.* That could be thus influenced?

*A.* Yes.

*Q.* He stated something about offices?

*A.* Yes.

*Q.* Did he say what class of offices or where?

*A.* No. Offices in the North-West; he only told me about one office.

*Q.* Did he say who was going to get that office in the North-West?

*A.* No.

*Q.* He simply referred to them in a general way?

*A.* In a general way.

*Q.* As one means of procuring this reversal of the Government?

*A.* Yes.

*Q.* What did he say about money?

*A.* He led me more to infer; I cannot remember—and I have tried to remember—very much about that, but I inferred it was money, from his conversation.

*Q.* You cannot say now any word or sentence or in what connection it was from which you came to that conclusion?

*A.* No; he seemed to be very courtly about keeping information away from me, but he led me to believe from his conversation that it was money; I inferred that from the conversation, that is in one instance.

*Q.* That in that one instance money was being used?

*A.* Well, I inferred it in only one instance; in others I thought it would be office, and in others power.

*Q.* You put that in the plural in your examination at the Police Court: "Was anything said about offices in the North-West?

*A.* "Yes; that was at the interview at the Walker House.

*Q.* "Who spoke of that?

*A.* "Mr. Wilkinson.

*Q.* "What was it he said?

*A.* "He did not specify; he said offices in the North-West would take a good many men."

*Q.* Now what would your recollection be?

*A.* To the best of my recollection it was to that effect.

*Q.* Then on that Tuesday evening did you see anybody but Mr. Wilkinson?
*A.* I saw Mr. Bunting in the Queen's Hotel.

*Q.* How long did you remain at the Walker House?
*A.* Ten or fifteen minutes.

*Q.* Then did you immediately leave and go to the Queen's?
*A.* No; I may have gone to the Queen's; then I went up to the House; I understood there was to be a vote, and I waited, and I intended to go on the midnight train, but the vote did not take place till about two o'clock in the morning, and I missed my train.

*Q.* About what hour that evening did you leave the Walker House to go up to the House of Parliament?
*A.* About half-past nine o'clock.

*Q.* Then up at the House did you see Mr. Bunting, or had you a conversation with any one there in reference to the matter which Mr. Wilkinson had been speaking to you about?
*A.* No.

*Q.* You are clear about that?
*A.* I think so.

*Q.* Then what hour did you return to the Queen's?
*A.* About two o'clock in the morning.

*Q.* Where did you see Mr. Bunting?
*A.* I happened to meet him in the Queen's accidentally.

*Q.* At two o'clock in the morning?
*A.* No.

*Q.* When was it you saw Mr. Bunting?
*A.* I am mixing two nights; this night I did, on the Tuesday.

*Q.* You came down on the Tuesday?
*A.* No; that was not the time I saw Mr. Bunting; I saw him afterwards; I did not see him that night.

*Q.* You came down on Tuesday according to your promise to Wilkinson, and you saw him?
*A.* Yes.

*Q.* And you had a conversation with Mr. Wilkinson on that occasion; you had no talk with any person as to that matter which Mr. Wilkinson had been speaking to you about; that is correct is it?
*A.* Yes.

*Q.* Then when did you go home
*A.* The next day at two o'clock.

*Q.* Then who did you see on the next day, Wednesday, 6th February, with whom you had any talk at all about the matter that Mr. Wilkinson had been speaking to you about?

*A.* I saw Mr. Bunting.

*Q.* When and where?

*A.* At his office, in the morning.

*Q.* That is, at the *Mail* office?

*A.* Yes.

*Q.* At about what hour?

*A.* Probably ten o'clock; half-past ten.

*Q.* Had you any appointment with him?

*A.* No, sir.

*Q.* Did you know him?

*A.* Oh, yes.

*Q.* You knew him quite well?

*A.* Yes.

*Q.* You knew him as being an earnest politician, the manager and part proprietor of the *Mail*, and so on?

*A.* Yes.

*Q.* Then what was your interview with Mr. Bunting; had you said anything to Mr Wilkinson about it in the evening before?

*A.* I don't remember saying anything to him about it; yes, I told him I was going to see Mr. Bunting before I left the city.

*Q.* Then you had given Mr. Wilkinson to understand that there was no use trying to influence Mr. Laidlaw: that the thing could not be done?

*A.* Yes, sir.

*Q.* That that must be given up; that he could not be one of those that could be gotten over to support the Opposition?

*A.* Yes.

*Q.* That, you had given him to understand?

*A.* Yes.

*Q.* Then you said that you would see Mr. Bunting?

*A.* Yes.

*Q.* Was it at your suggestion or at the request of Mr. Wilkinson?

*A.* I think it was my own; I can remember my own opinion, my own desire.

*Q.* Was it about this matter?

*A.* Yes; one thing I wanted to see him about that, and another thing about another matter.

*Q*. Then you did go and see him about half-past ten on the Tuesday morning?

*A*. Wednesday morning.

*Q*. What did you then say?

*A*. We talked in general terms.

*Q*. Did you speak about Mr. Wilkinson?

*A*. Yes.

*Q*. What did you tell him about Mr. Wilkinson?

*A* I had only seen Mr. Wilkinson on the Saturday before, and I did not like his proposition, and I did not care for his reputation.

*Q*. You had seen him on the Tuesday?

*A*. On the Tuesday; I only first saw him on the Saturday night before; I did not care for him and did not want to have anything to do with him; I told Mr. Bunting that.

*Q*. Was it before you told him that that you told him what Wilkinson came up to Guelph about?

*A*. I don't know whether I told him before or afterwards.

*Q*. You did tell him in this conversation?

*A*. I did, I talked freely about it.

*Q*. And what passed between Mr. Wilkinson and you. was that or was it not told to Mr. Bunting?

*A*. Yes.

*Q*. And you told him that you did not like the office of go-between; you did not care for Mr. Wilkinson's reputation; and what did Mr. Bunting say about Mr. Laidlaw in the matter?

*A*. He spoke in the highest terms of Mr. Laidlaw: said it was all nonsense for me to go and see a man like Mr. Laidlaw.

*Q*. That it would be impossible to move him!

*A*. He believed so: he advised me to stay at home.

*Q*. Had you some further conversation with Mr. Bunting, did he express any view upon the probability of the five or six people working in the way that Mr. Wilkinson had indicated. You had mentioned that to him, what did he say upon that?

*A*. He had no idea; the vote the night before had overwhelmed him, and he had no idea of it; those are not his words.

*Q*. Give the words?

*A*. I could not; he said it was no use.

*Q*. Did he consider himself overwhelmed?

*A*. Well he felt indignant; there was one vote he expected to get that he did not get, that was Mr. Hart; he expected him to vote on one side, and he voted on the other; he felt disappointed in the vote of Mr. Hart.

*Q*. Was there anybody else that he was put out about?

*A*. No.

*Q.* Nobody else that he mentioned?

*A.* No, sir.

*Q.* What did he say about these endeavors that were being made by Mr. Wilkinson

*A.* Oh, he didn't talk about them.

*Q.* When you mentioned it?

*A.* To myself he discouraged them.

*Q.* That was with Mr. Laidlaw?

*A.* Yes.

*Q.* When you told him that Mr. Wilkinson had been up and Mr. Wilkinson had expected they would be able to get Mr. McKim and five or six others, what did Mr. Bunting say to that?

*A.* I couldn't remember, but the general tenor of conversation was disapproval of anything of the kind.

*Q.* Could you give the language?

*A.* I never expected to be called upon, and I never noted it; he first spoke about Mr. Laidlaw, and then he expressed his disapproval of any such action of Mr. Wilkinson's; I remember that.

*Q.* What was it that you had mentioned that was something that he had to disapprove of on the part of Mr. Wilkinson?

*A.* Any such business as that.

*Q.* What specially was it?

*A.* Well, trying to—he did not seem to have any confidence in Mr. Wilkinson's operations.

*Q.* Had you known Mr. Wilkinson some time before that without knowing him personally?

*A.* By repute.

*Q.* Then Mr. Bunting seemed to have about the same opinion of him that you had?

*A.* Exactly.

The CHAIRMAN.—*Q.* I understand that Bunting's general tone was disapproval of Wilkinson's proceedings in regard to the voting of members by corrupt means; is that it?

*A.* Yes.

Mr. BLAKE.—*Q.* Did it go beyond Laidlaw, and did it go beyond Wilkinson being used for that purpose?

*A.* I couldn't remember.

*Q.* But you do remember that he said it was useless trying Mr. Laidlaw because of his character, and that so far as Wilkinson was concerned that he was a person—what were the words used?

*A.* I couldn't remember the words, but there was a general lack of confidence in the man.

*Q.* He was a good deal chagrined at the vote of the evening previous?

*A.* Naturally, yes.

*Q.* And he was disappointed and down-hearted about it?

*A.* He was not down-hearted, but he was rather surprised.

*Q.* Did he expect that there would have been a defeat of the Government?

*A.* No, I did not think that; he thought that it would have been a closer vote, I judged.

*Q.* Did he mention how close?

*A.* No sir.

*Q.* Then did you see Mr. Wilkinson again?

*A.* I saw him that morning.

*Q.* That Wednesday morning?

*A.* Yes; I took dinner with him in the Walker House.

*Q.* Did anything pass between you and him?

*A.* Nothing about this at all.

*Q.* Not a word said at all?

*A.* There may have been a word, but I dropped the whole matter as far as Mr. Wilkinson and myself were concerned.

*Q.* You never saw Mr. Kirkland?

*A.* Never, except in the Police Court.

*Q.* You stated that you were confusing two occasions, and that you had seen Mr. Bunting, you told me first, at the Queen's in the night; what occasion was that that you were confusing with this visit to the *Mail?*

*A.* The time of this, what they call conspiracy, was different; I noticed my letter was read here, published in the paper at home that afternoon, I came immediately down to Toronto and left home at nine o'clock and got here a little after eleven.

*Q.* What day was that?

*A.* It was on a Wednesday, in March; I think the arrest was made on Monday, and this was on Wednesday, and I accidentally met Mr. Bunting with some gentlemen in the Queen's.

*Q.* It was nothing more than an accidental meeting?

*A.* Accidental.

*Q.* Was that the only conversation you have had with Mr. Bunting in regard to any of these matters?

*A.* Yes that is all.

*Q.* You are quite sure?

*A.* Well, of course in the police court.

*Q.* On the occasion that you met him in the police court and on this occasion that you met him in the *Mail* office?

*A.* Yes.

*Q.* You had not spoken to him before in regard to any of these matters I have been speaking to you about?

*A.* No sir.

*Q.* These are the only occasions on which you had met him?

*A.* Yes.

By Mr. CASWELL.—*Q.* You know Mr. McKim, the member for West Wellington?

*A.* Yes.

*Q.* What is his character, in the locality where he lives, for veracity?

*A.* Am I bound to answer that question?

*Q.* Yes, we expect you to; you are a man living in his neighbourhood; we would like to know from you what your opinion of his character is as to veracity?

*A.* I have heard a great deal against it.

Mr. BLAKE.—That is not the way to ask the question; does he know his character for veracity in the neighborhood, and then the question that follows.

WITNESS.—I have always found him right myself; right enough that way.

The CHAIRMAN.—*Q.* The question is, do you know his character for veracity in the neighborhood—the general character?

*A.* No, not in his own neighborhood where he lives—I don't; only in my own town, which is not in the same riding.

*Q.* How far do you live from him?

*A.* Thirty miles, I expect.

Mr. CASWELL.—*Q.* Is he not well known in the county?

*A.* Oh, very well.

*Q.* Would you consider that you knew anything about his character for veracity?

*A.* Nothing, only from report.

*Q.* What is the general report as to his character for veracity?

Mr. BLAKE.—That is not the question at all; the question is, from that general character would you believe him upon oath or not.

The CHAIRMAN.—Not what is his general reputation, but would you from his general reputation believe him upon oath, and first, if he knows his character for veracity in the neighborhood.

Mr. BLAKE.—First, is there in the neighborhood in which he lives that character, and Mr. Goldie answers that he lives thirty miles from him.

WITNESS.—I have not been in his own immediate neighborhood.

The CHAIRMAN.—He does not know what his reputation is in the neighborhood where he resides; he knows what it is in Guelph

Mr. CASWELL.—It is in the same County.

The CHAIRMAN.—That does not matter.

Mr. CASWELL.—*Q.* You know Mr. McKim—you will admit that?
*A.* Yes.

*Q*, And now then with the knowledge that you will have of him——

Mr. BLAKE.—I submit that we must proceed in this matter regularly.

The CHAIRMAN.—Pursue the regular course, Mr. Caswell.

Mr. CASWELL.—If your lordship will put the question it will answer my purpose.

Mr. BLAKE.—He has just told you that he cannot give you the answer.

The CHAIRMAN.—He has told you that he does not know his character for veracity in his own neighborhood; if he does not know it you cannot ask him.

Mr. CASWELL.—Your lordship will note, his own immediate neighborhood.

The CHAIRMAN.—He says he did not know it, except as to Guelph, and that is thirty miles away from his neighborhood. I do not think that is sufficient acquaintance with the character for veracity to justify putting the other question.

Mr. CASWELL.—No, my lord. I understood that he knew him quite well and knew his reputation in that neighborhood.

Mr. MEEK.—I desire Mr. Goldie to answer that question if your lordship will put it and allow it to be answered.

The CHAIRMAN.—I think that will not do.

Commission adjourned at 4.25 p.m. till 10 a.m. to-morrow.

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## THIRD DAY.

WEDNESDAY, JULY 16TH, 1884.

Commission resumed at 10 a.m.; all parties present.

Mr. BLAKE asks that Mr. John Shields, Thomas A. Keefer, and Thomas Marks be called on their subpœnas.

The CHAIRMAN.—These witnesses can be called on their subpœnas.

Mr. MEEK asked that he may be allowed to subpœna without mentioning the names of the witnesses whom he may wish to call. There are reasons for it. It may be suggesting to some men who do not care about appearing and giving evidence, and it will be difficult to subpœna them: it may be impossible to get them.

The CHAIRMAN.—I suppose you can take a subpœna in blank, but witnesses cannot be examined without your giving the necessary notice as required by the directions at first. After you have them subpœnaed you must give notice of the names.

Mr. MEEK.—As soon as I have served the witnesses I will give notice to the other side.

The CHAIRMAN.—Two days' notice must be left with the clerk.

Mr. MEEK.—Of course I shall endeavor to give the two days' notice if the enquiry continues that long.

The CHAIRMAN.—There must be some limits as to the persons whom you are going to subpœna, to know in what direction the evidence is required.

Mr. MEEK.—I intend to subpœna some witnesses on the question of credibility, and I do not wish to have the names disclosed at present, because as a usual thing men do not like to be called on a question of that kind.

Mr. BLAKE.—I would just suggest to the Commissioners this, that if there is anything above another in which it is proper that the names should be given, it is in regard to that, and of course your Lordships have the report of the case of Waterhouse v. Lee, in which the late Chancellor and the late Chief Justice of the Court of Appeal discredited the witnesses upon the statement of three persons that were examined, and upon a further presentation of the case before him it was found that one and the same person had gone round, and spread the report, and that it was all initiated in a malicious feeling towards him ; so that if there is a case in which it is reasonable that we should know who are going to accuse us, and that the names should be given so that we may investigate and find who they are, it is in the discrediting of witnesses.

The CHAIRMAN.—I think so, because the prosecution would have the right to discredit your witnesses, no doubt.

Mr. MEEK.—They can cross-examine on that ; of course I shall give the names as soon as I subpœna them.

The CHAIRMAN.—They will have to be given two days before they are examined.

Mr. BLAKE.—The two days' notice—let us understand that ; it is little enough time for us to make investigations.

Mr. MEEK.—Suppose I issue a subpœna to-day and send it out to be served, it may be a day or two before I can serve these parties. I will give the names immediately upon their being served.

The CHAIRMAN.—We must confine ourselves to the directions we gave originally,—that if any other witness except those originally named are to be examined, two days' notice must be given ; you must subpœna them for the next week.

Mr. CASWELL.—There are some parties that have already been subpœnaed, and I notice that the subpœnas are not *duces tecum*, and there are some documents we would like to have produced ; for instance, the Commissioner of Crown Lands has a petition that is referred to in the evidence as having come from Port Arthur ; I would like that to be produced.

The CHAIRMAN.—Take your subpœnas *duces tecum* in the usual way ; it is quite easy to put in a *duces tecum* clause.

Mr. CASWELL.—They have already been subpœnaed, that is the trouble ; I do not want to subpœna them over again.

Mr. BLAKE.—It will do no harm.

The Sheriff calls Thomas A. Keefer, Thomas Marks, John Shields, on their subpœnas. No one answered.

Mr. BLAKE.—I told your Lordship that I anticipated examining Dr. Dowling. We had several telegrams from him. We understood that he was to be here yesterday morning, but he had a very special case which he said he could not possibly leave, so that in the meantime I will call some other witnesses.

Mr. BLAKE then called William P. Hudson, who took the stand.

Mr. BLAKE.—There were subpœnaed a large number of members, not knowing whether the Commissioners would desire themselves to investigate—not knowing whether those that represented the respondents would desire to examine. There are some of them that I believe are desirous of not remaining longer. Mr. Hudson is one of the Conservative members of the House. I proposed to present him and two or three others for examination in case the Commissioners thought that there was something possibly that might be adduced in the shape of evidence that would be material, from them as well as from those that have already been examined.

The CHAIRMAN.—Well, after hearing one or two of those members we will be able to settle that.

WILLIAM P. HUDSON, sworn, examined by Mr. Blake:

*Q.* You were a member of the Legislative Assembly of Ontario?

*A.* Yes.

*Q.* What County did you represent?

*A.* County of Hastings, West Riding of Hastings.

*Q.* Was this the first time of your being elected?

*A.* This is the first Session.

*Q.* Before that, I believe you had to do with municipal matters in your county, to a considerable extent?

*A.* Yes.

*Q.* Were you present at the opening of the Session last January?

*A.* Yes.

*Q.* Did you continue on from the opening to the close?

*A.* I did with the exception of once in a while—a Saturday that I would go home.

*Q.* Do you recollect about what date the first caucus of your party was held; the House met on January 23rd; the first vote was on February 6th?

*A.* I could not recollect the date exactly.

*Q.* When you were here did you attend to your duties pretty constantly?

*A.* I did.

*Q.* You attended various meetings that were held?

*A.* I was only at two of them, I think, during all the Session.

*Q.* Did you get notice of others?

*A.* I got notice of one but I had to go away.

*Q.* And then you had notice of two others of which you did attend?

*A.* Yes.

*Q.* Do you recollect when those meetings were held that you did attend?

*A.* The first one, I think, was—I won't swear to just the time—but I think it was the second or third week the House was in session.

*Q.* Was there any caucus that you were present at before the first vote that was taken?

*A.* No, I was at no caucus before that; I think it was before the first vote was taken, but I think the second or third week.

*Q.* It was before the first vote was taken?

*A.* Yes.

*Q.* That is the second or third week of the Session

*A.* Yes, it might have been the second, I could not swear.

*Q.* It was before the first vote was taken?

*A.* I think it was before the first vote was taken.

*Q.* That was the first vote taken on the address?

*A.* The first vote taken on the address.

*Q.* That was the first vote taken at all?

*A.* The first vote taken on the address.

*Q.* The first division in the House was on February 6th.

*A.* Yes, the meeting was before that; of course I took no date of it or no memorandum of it.

*Q.* Who was the whip of the Opposition?

*A.* Mr. Monk.

*Q.* He is the member for Carleton, is he not?

*A.* I think it is Carleton.

*Q.* Was it he that gave notice of these meetings?

*A.* Yes.

*Q.* When did you first hear anything as to any members being influenced, or weakening in their allegiance to the Government?

*A.* The first that I heard, or knew anything about, was when the statement was made on the floor of the House by the Attorney-General.

*Q.* When had you heard anything about it previous to your absolute knowledge of it

*A.* Of this conspiracy?

*Q.* No; of any rumour of persons being weakening in their allegiance, and the possibilities of their gaining some over to the Opposition, and so on.

*A.* I do not recollect of hearing it any time to my knowledge.

*Q.* You heard nothing about Mr. McKim?

*A.* Nothing about Mr. McKim.

*Q.* Mr. Badgerow?

*A.* Nothing about Mr. Badgerow.

*Q.* Mr. Balfour?

*A.* Nothing about Mr. Balfour.

*Q.* Dr. Cascaden?

*A.* No.

*Q.* The whole thing was kept from you completely?

*A.* Yes, I knew nothing about it.

The CHAIRMAN.—The first you heard was on the statement of the Attorney-General?

*A.* On the floor of the House, on the evening of March 17th.

Mr. BLAKE.—You were not put by the Oppostion on any of their committees?

*A.* No.

*Q.* You had heard no conversation with any member of your party about Mr. McKim or any other member of the Government side possibly being led over to the Opposition?

*A.* No conversation whatever.

*Q.* And you heard nothing about that?

*A.* I heard nothing about that: I swear positively that the first I heard anything about, that is, about this conspiracy ——

*Q.* I am not speaking about any conspiracy: do not let us have any misunderstanding about it; I am asking as to any member possibly or probably coming over to the Opposition, or being influenced; any talk about it; anything that was said to you, or that you said to anybody, or that you overheard—any conversation?

*A.* I heard nothing, except just talking that they supposed Mr. Hart would vote with the Opposition at times; that was all.

*Q.* When did you first hear that?

*A.* It was at the first of the session; it was a common thing; his supporters thought he would go with the Opposition.

*Q.* A common thing?

*A.* Yes, a common thing; that was before I came here.

*Q.* What I want to get at is, what you heard when you did come here?

*A.* That was talked of by his supporters in Prince Edward County.

*Q.* When you came here you heard that talk, that he would vote sometimes with the Opposition?

*A.* I heard that talk; in fact I said so myself; in fact I thought so.

*Q.* To whom did you say that?

*A.* Well, I would not be positive, I think it was some members at the Walker House there, some friend—I would not say what member—just in conversation in evenings.

*Q.* Whom did you generally talk with at the Walker House? .

*A.* Well, I have talked with them all.

*Q.* I do not know who was there; give us their names?

*A.* There was Mr. Kerr, Mr. Ross, of Cornwall, Mr. Denison, Mr. Laidlaw, Mr. Graham, Mr. McKim, Mr. Balfour.

*Q.* These all boarded at the Walker House?

*A.* Yes.

*Q.* And you talked with these, saying that you thought that Mr. Hart would vote with the Opposition?

*A.* Yes.

*Q.* Did you ever speak to Mr. Hart yourself?

*A.* I did.

*Q.* I do not now want you to be speaking of the rumours you may have heard, but since you came up here?

*A.* Yes, I think I went to visit him one evening.

*Q.* Did you hear any conversation about anybody else such as you have mentioned, as to Mr. Hart?

*A.* No, I did not, no conversation whatever as to anyone else.

*Q.* Did you mention at any of these meetings—the two meetings that you were at—the probabilities of Mr. Hart voting with the Opposition?

*A.* I stated at the first meeting, I think, that I had a conversation with Mr. Hart. I have never been acquainted with him; just got acquainted with him as we were in adjoining counties, and it was supposed by his supporters that he would support the Opposition; and in talking with him—just talking in conversation—I drew this conclusion from the conversation: that he would vote with the Government on most occasions, and I made that statement at the Committee.

*Q.* At this first meeting?

*A.* Yes.

*Q.* Do you recollect anyone else being talked of, except Mr. Hart, probably or possibly voting with the Opposition?

*A.* I have no recollection of any other, except it might be Mr. Sills; but I won't say that his name was mentioned; his name might have been mentioned, but I would not swear positively.

*Q.* He represents the adjoining County to you?

*A.* Yes, West Hastings.

*Q.* Were you present at the whole of that first meeting?

*A.* Yes.

*Q.* Did you at that meeting name or appoint any Committees to carry on the work of the Opposition?

*A.* I rather think not; I think that the meeting was adjourned to another time.

*Q.* Were you present at the adjourned meeting?

*A.* I was present part of the time; I got there late.

*Q.* Those were the only two meetings at which you were present?

*A.* Those were the only two.

*Q.* At the adjourned meeting did they name any Committees?

*A.* No.

*Q.* You were present at what part of the adjourned meeting

*A.* The latter part.

*Q.* At which of these meetings was the question of the timber policy of the Opposition brought up—was it brought up at both, or at which?

*A.* I think it was at the second meeting I was at I think it was mentioned.

*Q.* What was the distance of time between the first and second meetings?

*A.* Well, I could not swear to the time.

*Q.* Could not even give me the month, whether it was February or March?

*A.* I think it was in February, but I could not swear to the date; I kept no memorandum of the time.

*Q.* Do you remember anything else that was brought up and discussed except the question of the timber policy?

*A.* Well, there was no discussion on to it; it was just merely mentioned, that was all.

*Q.* Can you recollect what was mentioned about it?

*A.* No, I don't, I don't know as I have any recollection about it.

*Q.* That is your oath upon that, that you cannot recollect either what was said?

*A.* I don't recollect positively.

*Q.* Or who spoke about it?

*A.* No, I can't recollect who spoke about it. I know the meeting was partly over when I got there.

*Q.* That is the second meeting?

*A.* Yes.

*Q.* The meeting was partly over when you got there, and you cannot say what took place as to the timber, or who spoke about it?

*A.* No.

*Q.* You just simply have a recollection that it was spoken of?

*A.* Yes.

*Q.* Then at the third meeting you were not present?

*A.* No.

*Q.* Where did the first of these meetings take place?

*A.* It was in the *Mail* building.

*Q.* The third you cannot of course tell me about?

*A.* No.

*Q.* Was there, at either of those meetings, anyone present but the members of the House that you were aware of?

*A.* Not to my knowledge.

*Q.* Was there an election protest in your County?

*A.* There was.

*Q.* Was that tried, or was it dropped?

*A.* It was dropped.

*Q.* Were you introduced to Mr. Wilkinson?

*A.* I was.

*Q.* When were you first introduced to him?

*A.* Well, I won't swear positively to the time; it was either coming up the first of the session—the opening of the session—or the two weeks following from that, in coming up from home; but I think—of course I won't swear positively—when I had an introduction to him for the first time I had never met him.

*Q.* Who was it that introduced you to him?

*A.* I could not swear whether it was Mr. Wood, of North Hastings, or Mr. Blezard; I know we sat, the three of us, talking together.

*Q.* Had you any conversation with him other than on that occasion?

*A.* No, I never had any conversation any more than I met him in the Walker House at different times and just passed the time of day—nothing more.

*Q.* Did you know Mr. Bunting?

*A.* Not acquainted with him; I never had an introduction; I know him by sight, that is all.

*Q.* Was Mr. Wilkinson in your county?

*A.* Not to my knowledge. I never heard of him.

*Q.* I need not ask you whether you tried to influence anyone yourself?

*A.* No, I did not.

HARVEY P. DWIGHT, called by Mr. Blake:

Before taking the oath Mr. Dwight said: I do not exactly understand how I can proceed to take an oath to give evidence that I do not intend to give, as I understand; that is, swearing to give evidence, and I do not intend to give any.

The CHAIRMAN.—You will have to give evidence if you have any evidence to give.

Mr. BLAKE.—If there is any evidence that you can properly be compelled to give, of course you are bound to give it, and that is all your oath means.

Mr. DWIGHT.—That is the question, what I am compelled to give; I respectfully decline to give any evidence whatever.

Commissioner SENKLER—The proper way, I think, is to take the oath, and then object to the questions.

Mr. DWIGHT.—If I can consistently do it with that intention I will do it.

The CHAIRMAN—If Mr. Dwight says he does not intend to give any evidence, no matter what the nature of the questions may be, of course he cannot consistently take the oath; he will have to run the risk of being proceeded against.

Commissioner SCOTT.—Is it the form of the oath that you object to?

Mr. DWIGHT.—It is a matter I thought of on coming here; this oath is swearing to give the truth, the whole truth, and everything I know. I suppose, in connection with this business, and I do not intend to do that; that is the situation in the matter.

The CHAIRMAN.—Take your own course, Mr. Dwight; we cannot advise you.

Mr. BLAKE.—The proper way is to take the oath, and then make the objection.

Mr. DWIGHT.—I have not had any advice in this; it is a matter that occurred to me while coming here.

Mr. BLAKE.—The proper way is to take the oath, and then make whatever objections you have.

Mr. DWIGHT.—Very well. (Witness then kissed the book.)

Mr. BLAKE.—*Q.* You were examined before?

*A.* Yes.

*Q.* You are general manager of the Great North-Western Telegraph Company?

*A.* Yes.

*Q.* General manager for the Dominion or for the Province of Ontario?

*A.* For the Dominion.

*Q.* You were asked to produce certain telegrams before the House and before the police magistrate?

*A.* Yes; I think the subpœna called for messages to Mr. Wilkinson and to Mr. Bunting; I haven't it with me, but I think it does.

*Q.* Have you produced these telegrams?

*A.* No.

*Q.* Where are the telegrams?

*A.* They have been destroyed.

*Q.* When did you destroy them?

*A.* A few weeks ago.

*Q.* What is covered by a few weeks?

*A.* Well, I can't exactly tell you the time; it is since these proceedings began; not these proceedings, but since after the other proceedings terminated.

*Q.* About how long after the other proceedings terminated did you destroy them?

*A.* Oh, pretty soon; two or three days after; a week, more or less.

*Q.* That is after the proceedings in the Police Court?

*A.* Yes.

*Q.* The proceedings were begun there on the 18th March; from the 18th to the 25th March you may have been examined; was it in the month of March that you destroyed them?

*A.* I fancy it must have been in April; I fancy it must have been perhaps a week, or possibly two weeks as near as I can guess, perhaps more or less, after that time.

*Q.* The 20th March was the date that you were examined?

*A.* It was after the termination of all those proceedings.

*Q.* Before the House you were examined on the 20th March?

*A.* I don't remember that date.

*Q.* That is the date here on your evidence; taking that for granted, about how long after that 20th March was it that you destroyed those telegrams?

*A.* The proceedings in the Police Court was subsequent to that, and the destruction of the messages was after the examination in the Police Court.

*Q.* How long after that examination?

*A.* Well, I should say perhaps a couple of weeks.

*Q.* Will you swear it was as long as two weeks?

*A.* I should say it was; I should swear it was not much difference from two weeks; not much longer and not much shorter.

*Q.* The 27th March was the date of the Police Court evidence; then you think that within two weeks of the 27th March you destroyed all these telegrams?

*A.* As near as I can remember; it was sometime after all these proceedings had terminated.

*Q.* Then is it according to your practice to destroy the telegrams, or on what dates?

*A.* There is no law to prevent our destroying messages the moment they are sent if we choose to do so; it is a mere matter of our internal arrangement.

*Q.* Your internal arrangement is to destroy them within six months?

*A.* Within six months; it is not an invariable rule; it is a rule we vary to suit our own convenience.

*Q.* That is the ordinary practice of your office?

*A.* It is the ordinary practice.

*Q.* The rule is to preserve them for six months; you may make an exception if you please?

*A.* Yes.

*Q.* What period of the year is it that you ordinarily do destroy the telegrams, or is there any stated period?

*A.* Well, it is not a rule that is very rigidly carried out because we have our own accounts to settle, and these files are sometimes required longer, and sometimes not so long as the six months; the usual way to destroy them is every month to destroy the month's messages that are more than six months old.

*Q*. In this, therefore, you made an exception?

*A*. Yes.

*Q*. Did you make any other exception that you are aware of within this last year?

*A*. I think there were more messages called for in the other subpœna than are called for in this, and we destroyed all that were referred to directly or indirectly in connection with this subpœna.

*Q*. What I am asking you is, did you destroy any telegrams other than those that were referred to in the subpœna before the Police Court or before the Commission?

*A*. I have not.

*Q*. Did you keep any copies of these messages?

*A*. No, sir.

*Q*. Did you destroy them yourself?

*A*. Yes, sir.

*Q*. And you got together all the telegrams referred to, or that bore, you say, in any way, as you thought, upon any of these matters, and you consumed them all?

*A*. Yes, I could not tell what the messages bore upon; I got the addresses and the signatures and destroyed them.

*Q*. So that you were sure to cover everything of that kind?

*A*. I suppose; I don't know what they covered, I am sure.

*Q*. You did it pretty thoroughly if you got all the addresses, and all the telegrams to those addresses, and destroyed them all?

*A*. I did it as thoroughly as I knew how.

*Q*. You are a member of the Conservative party, I believe, Mr. Dwight?

*A*. No, sir.

*Q*. Do you not vote Conservative?

*A*. No, I don't remember that I ever voted in my life except for alderman or councilman, occasionally; I may have done so once or twice, but I don't remember, and if I did I don't remember who I voted for; I have no party connection at all.

*Q*. You were just doing justice between the two parties in consuming this piece of evidence?

*A*. That is what I was trying, to do my duty to the Telegraph Company in protecting messages entrusted to their care for transmission—messages that are supposed to be private, and which we are expected to keep with the strictest privacy.

*Q*. Were they marked private?

*A*. I don't think they were; we assume that every message is a private message.

*Q*. Do you know as a matter of fact whether there were any particular marks upon these?

*A*. I don't think there were; there might have been.

*Q.* Will you swear that there were not?

*A.* I don't remember that there were any specially marked private.

*Q.* Will you swear that there were not?

*A.* To the best of my recollection I think there were none specially marked private.

*Q.* Will you swear that there were not?

*A.* Well, I won't swear any more than to the best of my belief that they were not.

*Q.* Will you swear that there were not?

*A.* Well, I suppose that is swearing to it, isn't it, as near as I can get at it! That is as near as I can swear to it; I don't think there were any according to the best of my recollection; there were none marked specially private.

ALEXANDER P ROSS, called by Mr. Blake, sworn.

*Q.* You are a member of the Legislative Assembly?

*A.* Yes.

*Q.* For what county?

*A.* Stormont.

*Q.* You are a member of the Conservative party, I believe.

*A.* Yes sir.

*Q.* Was this your first Session?

*A.* Yes.

*Q.* Did you attend during the whole of the Session?

*A.* Yes sir. I was here every day but one, that is the last.

*Q.* Did they let you further into the secrets than they let Mr. Hudson?

*A.* They did not.

*Q.* You were still in the outer circle, this being your first Session?

*A.* Yes; I knew nothing about it till the day it came up in the House.

*Q.* Did you attend the caucuses?

*A.* I did.

*Q.* How many did you attend?

*A.* Three.

*Q.* Who gave you the notification of these meetings?

*A.* Well, I just forget the first one, but after that Mr. Monk was the person. I just forget who it was the first one.

*Q.* Were you present at the whole of these caucuses?

*A.* Well, I think I was; I wasn't much behind if I was, that I know of.

*Q.* Could you give us the dates on which they were held?

*A.* I could not; I think Mr. Hudson was about right on the first.

*Q.* That was sometime between the meeting of the House and the first vote on the 6th February?

*A.* Yes sir; the second was some weeks after; I couldn't say exactly what time; I never impressed it on my memory.

*Q.* You could not give us to two, three, or four weeks?

*A.* No.

*Q.* Could you give me the date of the third one?

*A.* No, I could not.

*Q.* What was the matter that was discussed at your first caucus?

*A.* Nothing much that was done only electing, as they called it, the whip—Mr. Monk I believe; that is pretty much all.

*Q.* He simply was cracking his whip; that is all that he was doing?

*A.* That is all that I can remember of; there is nothing else that I can remember specially that I know of.

*Q.* When was it that you first heard anything about any probabilities or possibilities of persons voting against the Government who ordinarily went with them?

*A.* I don't know that there was much spoken about; they were talking about some parties that they thought would go with them, and some that would not, that I was not acquainted with, that I didn't know anything about it.

*Q.* You are, of course, going to answer me truthfully Mr. Ross?

*A.* Yes, as far as I know.

*Q.* Then without your knowing much about it, when was it you first heard anything said about any probability or possibility of anyone—whether it was Mr. Hart or anybody else?

*A.* Well, I think there was something spoken about that in the first meeting, and that was about all that I heard of it.

*Q.* You recollect that it was mentioned with Mr. Hart?

*A.* Yes, they were talking, thinking who would vote with them and who did not, and that is all I know about it.

*Q.* Do you know any one that was discussed beside Mr. Hart?

*A.* I don't know; there was something mentioned about Mr. ——; I can't give you his name now; an old gentleman; they thought he was what is called an independent; he sat on the Government side of the House, right behind the Government, up near the wall.

*Q.* Do you recollect the county that he represented?

*A.* No I don't either; he is an old elderly gentleman of dark complexion.

*Q.* Did he represent an eastern or western constituency?

*A.* West; I can't tell you his name now; if I could see the plan of the House I suppose I could tell it.

*Q.* The name you have not got just at the present moment?

*A.* No.

*Q.* Is your memory pretty good ?

*A.* Well I may think so ; I don't know what others may think.

*Q.* This name has slipped from your memory, whether it is good or bad ?

*A.* Yes, it has ; I think he was the only one that I heard them speak of that they thought was independent.

*Q.* There was a counting of noses, on the first meeting ?

*A.* Well, they were counted over. and we talked over how many ; I just forget how many.

*Q.* Do you recollect how they thought it would stand in that meeting ?

*A.* I do not ; I can't tell you how that was.

*Q.* If your memory is so bad and you cannot recollect anything about the meetings, I am afraid they will not make you treasurer in the Coalition Government ?

*A.* No, I am afraid they won't.

*Q.* There was a counting of noses ?

*A.* Well, I rather think there was, but I would not say for certain, I was new in the matter, and I did not impress everything into my mind.

*Q.* Do you recollect about how it was thought that you would stand at the first meeting ?

*A.* Well, I think the thing was talked over, but to tell you exactly how many I thought would be each way, I could not tell you.

*Q.* Tell me about it as nearly as you can ?

*A.* I couldn't say ; I knew it was spoken of ; there were some ten or twelve or something like that, that is, if the Independent would go.

*Q.* Was that including the Independent ?

*A.* That was talked over.

*Q.* The CHAIRMAN.—*Q.* That is, the Government majority would be ten or twelve ?

*A.* Yes.

Mr. BLAKE.—*Q.* If the Independent did not go, how ?

*A.* With the Opposition.

*Q.* And if he did go with the Opposition then they would have nine or ten ?

*A.* I couldn't say for certain.

*Q.* Was that embracing Hart of the Assembly—Mr. Hart ?

*A.* Well, he might have been spoken of.

*Q.* Did those ten or twelve embrace him going for the Opposition or for the Government ?

*A.* I wouldn't say.

*Q.* You were not put on any of the Committees of the Opposition ?

*A.* No sir.

*Q.* Were there at either of those three meetings any committees formed for carrying on the work of the Opposition in the House?

*A.* Well, I don't think there was that I know of; if there was I don't remember.

*Q.* Had you no committees?

*A.* There was nothing left with me that I know of.

*Q.* Surely you had some person that you referred to, or was it all left to the whip?

*A.* If any meetings were to go on, as far as I knew, it was left to him.

*Q.* You don't know of Mr. Ermatinger, or any other member, being a member of any committee to carry out certain matters for the Opposition?

*A.* He might have been, but I don't remember; I could not answer.

*Q.* Is your memory the same as Mr. Hudson's as to the occasion on which there was anything said about the timber policy of the Government?

*A.* I don't remember of a timber policy being brought up?

*Q.* How did you feel yourself about the timber policy of the Government?

*A.* I didn't take any interest in it.

*Q.* Is your memory any better than his upon what was said on the timber policy?

*A.* I don't know anything about it being much talked of, as I know, in the committees.

*Q.* Did you discuss it with any members of the Opposition outside of the committee

*A.* I did not.

*Q.* You were aware as a matter of fact that it was proposed that there should be a resolution brought in upon the question of the timber policy of the Government?

*A.* Well, I heard of that, and I can't tell you whether that was the first meeting or not.

*Q.* You heard of that, that they were to bring in that resolution, but you can't say whether that was at the committee or whether it was a matter of talk outside the committee?

*A.* I don't know which.

*Q.* Is your memory good enough to tell me from whom it was that you heard that?

*A.* No sir, I don't know; I knew it was spoken of, and I could not tell you where it was spoken of.

*Q.* Did you ever yourself discuss any of these questions with Mr. Meredith or Mr. Morris?

*A.* I did not.

*Q.* And you had not yourself formed any opinion upon the question of the timber policy?

*A.* Oh nothing.

*Q.* Was this matter brought up at either of those subsequent meetings after the first occasion when the noses were counted?

*A.* I think not after that.

*Q.* Will you swear that that is so?

*A.* Well, I don't remember if it was.

*Q.* Can you mention anything that was brought up at the first meeting other than the consideration of what was the relative strength of the Government and of the Opposition in the House?

*A.* Oh, I think the thing was spoken of, but it was after the first meeting, and after the first vote was taken; it would be about the same things over, as far as I know.

*Q.* Can you mention at the first meeting anything that was the subject of discussion other than the question of the relative strength of the Government and the Opposition?

*A.* I could not.

*Q.* At the subsequent meeting that you held can you tell me anything that happened, except the discussion of the relative strength, and something may have been mentioned about the timber policy; could you mention anything?

*A.* I could not; I could not give you an explanation of that.

*Q.* At the third meeting could you say anything that took place?

*A.* No sir, I could not exactly; I could not tell you anything distinctly that was said; there was a good deal mentioned over, but I could not mention.

*Q.* Without going into the particulars of it, what were the subjects of discussion?

*A.* Oh, they were talking of several discussions, of one way or the other; of what was going on; but I don't think, as far as I know, I had any idea of anything coming up that was going to upset the government, as far as I heard.

*Q.* Can you tell me what were the subjects of discussion?

*A.* No, I could not.

*Q.* You could not tell any matter that was brought up and talked of at the meeting?

*A.* No sir, not to any extent.

*Q.* Whether to much or to little; just anything that was brought up?

*A.* Nothing more than what I have said.

*Q.* Only as to the numbers, and perhaps the question of the timber?

*A.* Yes.

*Q.* Did you know Mr. Wilkinson?

*A.* I did not; never was introduced to him; I never knew him till after I saw him in the Police Court here; that is the first time I knew him to say it was Mr. Wilkinson.

*Q.* Did you know Mr. Bunting?

*A.* I knew him by sight.

. He was very frequently at the House the first fortnight or ten days?

*A.* I saw him several times, I think; I was told it was him.

*Q.* Several times would be better than two or three?

*A.* Well, I suppose it was.

*Q.* And seeing a man there several times taking some interest?

*A.* Yes, I asked who it was.

*Q.* Of course you did not approach anybody yourself for the purpose of endeavouring to influence his vote?

*A.* I did not.

ANDREW BRODER, called by Mr. Blake, sworn.

*Q.* You are a member of the Legislative Assembly of Ontario?

*A.* Yes, I was elected in January, 1875, and have represented the county of Dundas ever since: I was present at the last session; not at the opening; I was there the second day.

*Q.* Did you remain all through the session?

*A.* Yes, with the exception of a day or two when I was absent.

*Q.* Where you present at any caucus of your party?

*A.* Yes sir.

*Q.* You are a member of the Conservative party?

*A.* Yes.

*Q.* How many caucuses were you present at?

*A.* Two,

*Q.* Where were those held?

*A.* In the *Mail* building.

*Q.* About what dates?

*A.* I cannot fix the date; the first one was, as near as I can recollect, the latter part of the second week in the session.

*Q.* That would be the one that Mr. Hudson and Mr. Ross have spoken about?

*A.* Yes, I think it was on the Friday of the second week.

*Q.* When was the second one?

*A.* The second one that I attended, and the last of the session, was a day or two after this matter came up in the House; I think it was either the 18th or 19th March.

*Q.* It came up on the 17th, which was Monday?

*A.* It was either the following day or the day after; I would not be positive after that.

*Q.* Those are the two that you were present at?

*A.* Yes, that is all I remember being present at.

*Q.* I presume there were a good many other similar meetings of those interested in your party in the Opposition—meetings continually held?

*A.* There may have been without my knowledge; I have no knowledge of that sort personally.

*Q.* You never were present?

*A.* Not during the session, that I can recollect.

*Q.* I do not mean to say the whole of the members, but half a dozen or a dozen, to discuss the situation?

*A.* I was not present at any such.

*Q.* Who called you to these two meetings that you did attend?

*A.* Mr. Monk gave me notice; he is the Conservative member for Carleton.

*Q.* What took place at the first meeting?

*A.* Well, the first meeting was to elect a whip; the whip of the previous Parliament, Mr. Madill, had been defeated, and Mr. Monk having been his assistant during the previous Parliament at times in his absence, Mr. Monk was elected as whip, and Mr. Morgan his assistant; that was the first business of the caucus.

*Q.* What was the next topic?

*A.* The matter of getting acquainted with strangers was part of the business.

*Q.* After that was over, then, I suppose you had the counting of the noses?

*A.* Well, I don't remember that, although I might have a share in that; I think there was; I do not remember of any exact majority being spoken of in favour of the Government; it was merely a question of whether the men who were considered Independent in the press were going with us or with the other party.

*Q.* Do you recollect how many of those were supposed to be Independents?

*A.* I recollect Mr. Hart being spoken of as one; Mr. Neelon, I think, was another.

*Q.* Was that the one, do you think, that Mr. Ross has spoken of as a grey-haired gentleman?

*A.* I couldn't say.

*Q.* Who else?

*A.* None that I recall.

*A.* Was your recollection the same, that the majority would be supposed to be ten to twelve unless these Independents went in with the Opposition, when of course it would be reduced?

*A.* I don't remember the majority being spoken of as to numbers at all.

*Q.* Do you remember any other names than those of Hart and Neelon?

*A.* No sir, not spoken of as Independents.

*Q.* Anybody else as to whom there was a probability or possibility?

*A.* No.

*Q.* Do you recollect any other names being mentioned in connection with majorities?

*A.* No.

*Q.* At that meeting, were there any committees formed to perform the duties?

*A.* No, sir; none.

*Q.* Or at the second

*A.* Well, I did not attend the second.

*Q.* The second you did attend?

*A.* No, it was the last of the Session; the last day or two.

*Q.* Is your recollection the same as Mr. Hudson's, that the first meeting was adjourned over?

*A.* No, I don't remember of its being adjourned.

*Q.* Do you recollect anything else that was done except the appointing of whips, this discussion as to these Independents, and becoming acquainted with one another?

*A.* Yes, the question was talked of as to whether it would be wise to discuss the Address at length, or allow it to pass without discussion, or to move amendments?

*Q.* Was anything said about any portion of the Address that was considered to b vulnerable or that might be attacked?

*A.* I think there was; I can swear positively there was; I can remember.

*Q.* What was that?

*A.* Referring, I think, to the liquor license question was one.

*Q.* That was put I think, in the shape of an amendment?

*A.* Yes, I think it was afterwards.

*Q.* That was a question involving the question of the jurisdiction between Ottawa and Ontario Legislatures?

*A.* Yes, to some extent.

*Q.* Mr. Gillmor read that to us the other day?

*A.* I am swearing altogether from memory as I have not looked at it.

*Q.* That was one of the questions in which you had your vote of forty-five to thirty-three?

*A.* Yes.

*Q.* Was there any other matter discussed than that, that you recollect?

*A.* I think the long-standing Boundary Award question was mentioned.

*Q.* Was that put in the shape of something upon the Address?

*A.* I think not, farther than in general terms that it was a mistake to have so much conflict between the two Governments,—it should be avoided, if some means could be adopted to avoid that.

*Q.* Anything else?

*A.* No, not that I remember

*Q.* Nothing said at that first meeting with regard to the question of the timber policy?

*A.* No

*Q.* Will you swear to that, your memory is so good?

*A.* I think I can.

*Q.* If that was mentioned at either of the first two meetings, it must have been at the second meeting at which you were not present?

*A.* Yes; you did not understand me to say there were but two caucuses altogether?

*Q.* Two that you were present at?

*A.* Yes, that is right.

*Q.* Three, I understood?

*A.* Yes, one I was not present at.

*Q.* When did you hear any question about the probability or possibility of any members voting against the Government who had voted with them?

*A.* I think the first news I had of it at all, of any attempt of that sort of thing, was that the Honourable Mr. Hardy insinuated it in the House when addressing the House.

*Q.* About what date was that?

*A.* In the fore part of the Session, I think, as near as I can recollect, the third week; I would not be positive as to the time.

The CHAIRMAN.—*Q.* What did you hear from him?

*A.* He threw out an insinuation.

*Q.* That attempts had been made?

*A.* Yes, to influence.

Mr. BLAKE.—Did you make any enquiry upon that?

*A.* No, sir.

*Q.* Then did you think it wise or unwise to enquire?

*A.* I thought so little of what the Hon. Minister said about that that I did not enquire.

*Q.* Being a Reformer you naturally distrusted him?

*A.* No, not that.

*Q.* What then?

*A.* I thought he was frightened before he was hurt.

*Q.* You do not like that sort of men?

*A.* I do not like that sort of men.

*Q.* When did you think he was crying so much too soon?

*A.* Well, sir, I haven't thought much different since; the next we heard of it, and all I heard until the thing became public, was what the Attorney-General said in the House; that is all that I considered serious.

*Q.* Where were you boarding?

*A.* At the Walker House.

*Q.* After this statement in the House, what was it that you next heard which you did not treat seriously, but still you did hear,—in connection with whose name?

*A.* Well, I heard Mr. Lees, of South Lanark, say; in fact, he said to me, that some of the lumbermen on the Government side of the House were not satisfied with the Government timber policy.

The Chairman.—*Q.* Was that after you heard from Mr. Hardy?

*A.* Yes.

Mr. Blake.—*Q.* Would that be before or after the second caucus?

*A.* I could not say as to that; it seems to me it was before, as near as I can recollect.

*Q.* Is Mr. Lees a Conservative or a Reformer?

*A.* He is a Conservative; he is nominally Independent, but he has always been generally with the Conservative party in the House; I consider that.

*Q.* That is the reason you give it with a certain amount of doubtfulness?

*A.* Not at all.

*Q.* You think you may have him so securely that you may call him a Conservative?

*A.* He is too decent a man to call anything else, even an Independent; he is a man of decided opinions.

*Q.* That is the kind of a man you honour?

*A.* One way or the other.

*Q.* Did you hear that directly from Mr. Lees?

*A.* I heard it directly from Mr. Lees, sitting at the table with him; I did not follow it up.

*Q.* Then when did you next hear anything?

*A.* I heard nothing until it came out in the House.

*Q.* Either joking or in earnest?

*A.* Well Mr. Lees mentioned this once or twice to me, and the remark I made to Mr. Lees was to pay no attention to these men, that I had no confidence in what they would say about that matter.

*Q.* Then you yourself of course had nothing whatever to do with approaching?

*A.* Nothing whatever.

*Q.* And you did not hear anything more definite than what you have told us until on the 17th March the thing was mentioned in the House?

*A.* No sir, when it was brought out in the House.

*Q.* Do you know Mr. Wilkinson?

*A.* I knew him by sight; and latterly of course I knew him particularly to be Wilkinson; I never had an introduction to him.

*Q.* You knew him first as Mr. Wilkinson, and then you knew him as Wilkinson, you dropped the Mr.?

*A.* No, not particularly; he is entitled to that yet likely.

*Q.* Were you introduced to him?

*A.* No, I knew him by sight, and he knew who I was and spoke to me—met me himself; I was never introduced to him by any person.

*Q.* When was it you got to be in that state that you were on talking terms?

*A.* Well, he met me in the Walker House; I think it was the second week of the Session.

*Q.* Did you see him frequently at the Walker House?

*A.* Well, the latter part of the Session I saw him very frequently; not the fore part.

*Q.* Had you many conversations with him?

*A.* No, I met him but once; I would not be positive to say once; I think I met him around in the smoking room or sitting room of the Walker House, once or twice; I am speaking of the fore part of the Session, I met him more frequently in the after part.

*Q.* In the after part of the Session had you many conversations with him?

*A.* Very few.

*Q.* Do you know what his object was in being in the city of Toronto?

*A.* No.

*Q.* He never let you know from anything that he said or any word that he dropped?

*A.* Nothing whatever, not the slightest.

*Q.* You never asked him to go down and help you in your constituency?

*A.* No sir.

*Q.* Why did you smile when I asked you that?

*A.* Well, I did not require the help.

*Q.* You did not require that kind of help?

*A.* It was enough to make any man smile.

*Q.* The thought of your constituency being a Conservative, requiring that kind of help?

*A.* And sensible.

*Q.* The last meeting was simply I suppose called because of what had taken place on the 17th March?

*A.* I think so.

*Q.* And had reference to that?

*A.* Particularly to that.

*Q.* There were no votes to be taken in the House after that date?

*A.* It seems to me there were several votes taken after that in the House.

*Q.* After the 19th?

*A.* After the 19th. The last night and morning of the session there were several votes, several divisions.

*Q.* From what was said by one witness I would have thought that that last meeting had to do with the question of what your action would be, and so on?

*A.* Well, not exclusively.

*Q.* Was there any other matter brought up?

*A.* Some questions as to whether more divisions would be had on questions that were to be brought up; the election law, I remember. I think the amendment to the election law was one of the questions not fully settled in the House. The last bill that was passed was considered a very important bill.

*Q.* Do you recollect anything else?

*A.* Yes, the question whether there would be a division on the timber policy even then was discussed. That is the first I had heard of it; I had not been present at the intermediate meeting.

*Q.* Was it decided to have a vote upon the election law and upon the timber policy?

*A.* No vote on the timber policy; upon the election law.

The CHAIRMAN.—There were different clauses of the election law passed after the 17th.

Mr. BLAKE.—So the speaker has said, but I was asking whether it was decided in that caucus that they should take these votes or not.

WITNESS.—I think it was decided to attack some features of the bill; there were no formulated resolutions.

*Q.* Was there any resolution produced at that meeting as to the timber policy?

*A.* Yes, there was a resolution; I am speaking now from recollection, of course.

*Q.* Mr. Meredith wrote the resolution?

*A.* I think it had been previously prepared, as to the timber policy.

*Q.* At that meeting Mr. Meredith produced a resolution upon the timber policy, which had, as you believe, been previously prepared; and it was concluded that you had better not try to carry that?

*A.* Concluded not to move it.

*Q.* Do you recollect the reasons that were assigned for not moving that?

*A.* I do not.

*Q.* In addition to the one that you did not think you would carry it?

*A.* We had not any hope of that.

*Q.* Were you one of those that were dissatisfied with the timber policy, or was it one that was of much importance in your county?

*A.* No importance whatever in our section of the country; it did not have a local interest to me; of course I took an interest in it as having an interest in the country.

*Q.* And a little interest in your party?

*A.* Well, that is an interest in the country to some extent.

By Mr. MEEK.—*Q.* Did you see Mr. McKim at the Walker House when you were there?

*A.* Yes, saw him frequently.

*Q.* Did you ever have any conversation with him?

*A.* Frequently; it was a general thing to converse with each other when we met.

*Q.* Did you ever see him going into Wilkinson's room?

*A.* No, I don't know what room Wilkinson's was.

*Q.* Then I suppose Mr. Wilkinson was not there very long?

*A.* He was not there long that I saw, the fore part of the session; he was there a few days in the after part of the session.

*Q.* How long was he there the fore part of the session?

*A.* Two or three days as far as I can recollect.

*Q.* How long in the after part of the session?

*A.* Well, he was there perhaps a week, perhaps longer than that; I am just speaking as I happened to see him going in and out.

*Q.* Was McKim constantly with him?

*A.* Not that I noticed.

Mr. BLAKE.—*Q.* There was something that you wanted to mention to me?

*A.* You asked if there was any other reason for not submitting the timber resolution than the fear of not carrying it; there was the reason that at that stage of the session it was not wise to move the resolution at that time.

*Q.* It was not wise then under the surrounding circumstances?

*A.* Yes, just at that particular time to do it.

Commissioner SCOTT.—*Q.* You mean on account of the lateness of the session?

*A.* And the circumstances that had been brought up in the House.

PATRICK BASKERVILLE, called by Mr. Blake, sworn.

*Q.* You are a member of the Local Legislature of Ontario?

*A.* Yes; I am a member of the Conservative party; I represent the city of Ottawa; I was in the House the term before this four years; I was present from the beginning of last session to the end of it.

*Q.* Were you present at these caucuses that had been referred to?

*A.* I was present at two, I think; I think they were the two first, if I remember right; I can't tell you the dates; I was boarding at the Continental; there were five or six other members boarding there; there was Mr. Rayside, Dr. Dowling, Mr. Hart, Mr. Waters, Mr. Bishop; I don't know of any others. I had known Dr. Dowling before, but not much.

*Q.* At that first caucus what took place that you can recollect?

*A.* The appointing of a whip, I think, was the first business done, and I can't remember what else took place. I don't know of any discussion or anything in particular being talked of besides appointing the whip.

*Q.* Were there any committees appointed by the Opposition?

*A.* Not that I am aware of.

*Q.* Matters were left then pretty much to the whip and deputy whip of the party?

A. As far as I am aware.

*Q.* Do you recollect any talk there about the probable majority?

*A.* I think there was something said as regards the probable majority, but really I forget what was said.

*Q.* You forget the figures?

*A.* There was supposed to be about ten or eleven; there was some surmising in regard to a couple of Independent members—Mr. Neelon and Mr. Hart.

*Q.* Do you recollect any other names being mentioned?

*A.* I don't know of any other.

*Q.* Have you got a more distinct memory as to what took place at the second caucus?

*A.* I have not; I don't remember of any discussion, or anything transpired that I can refer back.

*Q.* Whatever did take place your memory has not retained it?

*A.* No.

*Q.* Will you swear whether or not the question of the timber policy was there discussed?

*A.* No; I would swear that I cannot remember it being discussed; I think if it was, hearing so much of it, I think I would have referred back to it and remembered.

*Q.* When did you first see the resolution upon the question of the timber policy?

*A.* I don't remember of seeing or hearing of any resolution.

*Q.* Therefore, I suppose, you cannot have been present at the last meeting?

*A.* I only attended two meetings that I remember.

*Q.* Were those the two that were held in the *Mail* building?

*A.* Yes.

*Q.* Had you a room set apart—how did you come to meet there?

*A.* I don't know whether it was set apart; there was a large room there that we met in.

*Q.* Do you know Mr. Wilkinson?

*A.* No.

*Q.* Never were introduced or spoke to him?

*A.* Never.

*Q.* Mr. Bunting?

*A.* I knew Mr. Bunting.

*Q.* Did you know him before this Session?

*A.* Yes, I met him in Ottawa, and had seen him here in Toronto several times; never have been very much acquainted further than to salute him.

*Q.* You saw him during the first fortnight in the House?

*A.* Yes, I saw him sitting in the floor of the House.

*Q.* Continually ?

*A.* More than once.

*Q.* It was more than once ?

*A.* Yes, much more.

*Q.* You could not say how often ?

*A.* No.

*Q.* Did you know Mr. Meek ?

*A.* No, I know him now.

*Q.* When did you first hear anything about any probability or possibility of some member being approached, or being doubtful, or that could be influenced ?

*A.* I don't remember of hearing of anyone being approached until after this matter had been brought up in the House on the 17th of March.

*Q.* You swear that you had not heard of the possibility ?

*A.* Yes, I can swear that I had not never heard of a man being approached directly in the affair with a bribe or with money to induce him.

*Q.* That is not my question at all ; my question to you was when had you first heard that anybody was approached, or that there was a probability or possibility of a person that ordinarily voted for the Government voting against them ?

*A.* I have not heard of it. I did not hear it any time, that any member of the House that had generally supported the Government would vote against them.

*Q.* You did not hear anything about Mr. McKim until the 17th March ?

*A.* No.

*Q.* Or Dr. Cascaden ?

*A.* No.

*Q.* Mr. Dowling ?

*A.* No.

*Q.* Nothing at all until 17th March ?

*A.* No.

*Q.* You did not approach anybody yourself ?

*A.* Well, no, I did not, I think I may have said on one occasion to a gentleman that had been speaking of being discontented with the party, and that he had no politics, that the only course for him to take is to consider the debates of the House and he would be able to judge for himself and decide it.

*Q.* Who was it that you gave this advice to ?

*A.* Dr. Dowling.

*Q.* It was Dr. Dowling's first session ?

*A.* Yes.

*Q.* You advised him to watch the debates in the House and see what he thought was right and vote accordingly ?

*A.* Exactly; I must say that Dr. Dowling and I had been very much attached to one another from the beginning of the session; he was a young man; I was very well acquainted with his father-in-law and his wife's family, and I took an interest in him, although he did differ with me in politics, so in some of our conversations I did make that remark to him.

*Q.* Did you give the same advice to everbody else?

*A.* No sir.

By Mr. MEEK.—*Q.* Do you remember my being in the House of Assembly, during the early part of the Session, one evening?

*A.* I don't remember.

*Q.* We were not acquainted at all at that time—you don't recollect?

*A.* I don't recollect.

*Q.* You are a smoker I believe?

*A.* Yes, I smoke considerable.

*Q.* You frequently go into the smoking room?

*A.* Yes.

Mr. BLAKE.—I have got these other witnesses, if Your Lordships think it best to go on.

The CHAIRMAN.—We do not think it is necessary, so far as the Commissioners are concerned, that any further members of the Conservative party should be called on, but if those gentlemen whose names are mentioned in the list of witnesses are present, we think it would be proper enough to call them, to give an opportunity to anyone who may choose to examine them.

Mr. BLAKE.—I tender them, My Lord, they are here, that is what I desire understood, that the number of witnesses called for the Commission was fifty-one, and a good many of those were just of that class; then Mr. Meek asked that some thirteen or fourteen more should be called, and then Mr. Caswell for nineteen more. I am wrong in saying fourteen more, because the list handed in by Mr. Meek and Mr. Caswell include some that were already called on the part of the Crown, but they are here if there is any desire to examine them.

The CHAIRMAN.—You may call their names over if any gentleman wants to examine them.

Mr. BLAKE.—Major Gray is here. We also subpœnaed Mr. Laidlaw, and his name was mentioned, but after the statement of Mr. Goldie I did not think there was any necessity.

The CHAIRMAN.—So far as we are concerned we do not think there is any necessity.

Mr. BLAKE.—Mr. Gibson will be examined. Mr. Caldwell, Mr. Murray, Mr. Drury, Mr. Ferris, Mr. Merrick, Mr. Ermatinger, Mr. White, Mr. Creighton, Mr. Meredith, Mr. French, Mr. Carnegie, Mr. Sills, if they desire these to be examined, or if Mr. Meek, or Mr. Caswell desires to examine them.

Mr. CASWELL.—I would like to call Mr. Caldwell some time later; not just now.

Mr. BLAKE.—The only one that I desire to examine is Mr. Merrick, who was here all yesterday, but is not here to-day; I have no doubt he will be in attendance in due course, and I also desire Mr. Monk. I supposed that as Mr. Monk was the whip he might be able to give some information the Commissioners desire to have.

The CHAIRMAN.—Yes; will you call those that you do not mean to examine?

Mr. BLAKE.—Those that I do not mean to examine are Mr. Laidlaw, Mr. Ermatinger he was one of those excused; Mr. White and Mr. Creighton were also excused.

Commissioner SCOTT.—What about Mr. White?

Mr. BLAKE.—He will be here to-day. We do not propose to examine Mr. Creighton; he, of course, is excused; nor Major Gray, nor Mr. Carnegie, nor Mr. Mulholland.

Commissioner SENKLER.—Does Mr. Meek or Mr. Caswell wish to examine either f these?

Mr. MEEK.—Not at present.

Mr. BLAKE.—We propose to examine Mr. McCallum.

Commissioner SCOTT.—Do you propose to examine Mr. French?

Mr. BLAKE.—He is not here to-day. I think we will examine him.

The CHAIRMAN.—Does Mr. Meek or Mr. Caswell propose to examine Mr. Laidlaw

Mr. MEEK.—No, my lord; I do not propose to examine Mr. Laidlaw; I desire examine Mr. Creighton and Mr. Ermatinger.

The CHAIRMAN—Do you want to examine Major Gray?

Mr. MEEK.—I simply want to ask him a question.

Mr. BLAKE.—As to these witnesses, I do not want to be answerable, and I do not want to keep them here.

The CHAIRMAN.—Major Gray is here if you desire to examine him.

Mr. MEEK.—I will examine him; I do not desire him to be sworn at all if he will tell me if he recollects if he saw me in the smoking room.

Major GRAY.—No, I don't recollect.

Commissioner SCOTT.—What witnesses are excused? Mr. Laidlaw is excused.

Mr. BLAKE.—Yes, My Lord.

The CHAIRMAN.—Laidlaw, White, Graham and Mulholland.

Mr. MEEK.—I do not want to examine Mr. Laidlaw at all.

Commissioner SCOTT.—What about Mr. Mulholland; do you want him?

Mr. MEEK.—I do not know the gentleman at all.

Mr. MULHOLLAND.—I am present if anyone wishes to examine me.

The CHAIRMAN.—Do you wish to examine Mr. Mulholland?

Mr. MEEK.—No, My Lord.

Mr. CHAIRMAN.—Nor do you, Mr. Caswell?

Mr. CASWELL.—No, My Lord.

The CHAIRMAN.—These gentlemen need not remain longer in attendance unless they desire to do so.

GEORGE WILLIAM MONK, called by Mr. Blake, sworn.

*Q.* You are a member for the County of Carleton in the Ontario Assembly?
*A.* Yes.

*Q.* You are a member of the Conservative party and the whip of the party?
*A.* Yes.

*Q.* How long have you been representing Carleton?
*A.* Thirteen years—since 1871.

*Q.* It was at the last Session that you were selected as whip of the party?
*A.* Yes.

*Q.* We were told that there were three caucuses?
*A.* Three, I think.

*Q.* Summoned by you?
*A.* Yes.

*Q.* And these were held in the *Mail* office?
*A.* Yes.

*Q.* Were there any other meetings of the members of the Opposition—whether of all the members or only a portion of them—beside these three meetings that have been referred to by the witnesses?

*A.* None that I am aware of.

*Q.* Were there any committees appointed or named, or who acted in the interest of the Opposition—committees of two, or three, or four?

*A.* Not that I am aware of.

*Q.* Then the matters were generally left to you or to your assistant whip?
*A.* Yes.

*Q.* And if there were other persons, they were appointed by the leader of the Opposition independently of you, the whip of the party?

*A.* Yes; I knew nothing of any.

*Q.* You know nothing of two persons either being appointed or assuming to act—Mr. Ermatinger or any other member—in respect to the furtherance of any matters of your party?

*A.* No, I am not aware of it.

*Q.* Did you keep any notes or minutes of the meetings that were held ?

*A.* No.

*Q.* There were none made at the time

*A.* No, I made none.

*Q.* Were any made by any one ?

*A.* Not that I am aware of.

*Q.* No secretary appointed ?

*A.* No ; I am inclined to think Mr. Meredith took some little notes, but none that I am aware of.

*Q.* He would be chairman ?

*A.* Yes.

*Q.* There was no regular secretary appointed for the purpose of taking notes ?

*A.* No.

*Q.* At the first meeting it is said that there was the appointment of yourself and of the assistant whip ?

*A.* Mr. Morgan.

*Q.* And there was a hand shaking and introduction, and there was a little counting of noses ?

*A.* I don't know that I am at liberty to say exactly what took place at the caucus.

*Q*, Isn't that the privilege of the whip ?

*A.* I don't know as it was ; matters transacted in caucuses are supposed to be private, I suppose.

*Q.* The other six members have mentioned what took place ?

*A.* Well, there was nothing further took place than what they say took place ; I don't object to the question ; there was nothing further than what you say.

*Q.* Do you recollect the names of any persons that were mentioned as being persons that it was thought possibly might vote with you ; the name of Mr. Hart was given as one ?

*A.* Yes.

*Q.* And Mr. Neelon was given as another ?

*A.* I fancy so.

*Q.* Who else ?

*A.* I really can't remember their names ; I remember those two, and possibly there may have been others spoken of.

*Q.* Who do you think ?

*A.* Well, I wouldn't like to venture a guess, and I don't remember positively of even those two that you speak of.

*Q.* Who do you think were mentioned ?

*A.* Well, I do not feel disposed to mention any names, because it is not clear enough in my mind what they were.

*Q.* Do you reserve that as the privilege of the caucus, or what is the reason?

*A.* No, I reserve it as my own right; I do not even wish to suggest names that I am not positive was mentioned at all.

*Q.* Then we cannot get from you more than that you think there were other names, but you have not got those so firmly in your mind that you would like to mention who they were?

*A.* No.

*Q.* Do you recollect whether it was thought that there would be a majority against you of eight, nine, ten, eleven, or twelve?

*A.* Well, in my own mind I expected a majority of twelve against us.

*Q.* And there were some that were more hopeful?

*A.* Yes.

*Q.* Do you recollect what was the lower figure mentioned?

*A.* I think I heard some parties mention ten.

*Q.* Did any reduce it to nine?

*A.* I don't recollect.

*Q.* Anything else as to defining the policy of the Opposition at that meeting?

*A.* No, I am not aware of anything particular.

Q. Don't you recollect anything at all?

*A.* Well, there was a discussion of matters in general, but nothing particular.

*Q.* Nothing about whether the Address would be vulnerable, the question of license, the infringing on the rights of the Dominion?

*A.* There was some mention made of some discussion with regard to the license.

*Q.* It is not fair that I, that was not present at the caucus, should be left to help you out?

*A.* I may not have been paying very close attention.

*Q.* Don't you think there was something said on the question of the license?

*A.* Yes.

*Q.* Shall I help you again, or will you give me the next matter?

*A.* I really don't remember what there was done.

*Q.* Nothing said about any boundary award and conflicts between the two, and that they were pressing it rather hard?

*A.* There may have been; probably there was; Mr. Meredith, I think.

*Q.* Will you give it to me a little more strong than probably—possibly, perhaps?

*A.* Well, possibly, Mr. Meredith, I think, alluded to the boundary award.

*Q.* Then do you think you got from the dry land on to the stream?

*A.* I don't recollect anything about the stream.

*Q*. Sure?

*A*. I am sure that I don't recollect it, that is all I can answer for.

*Q*. Do you recollect anything on the question of timber?

*A*. No, I do not.

*Q*. Is your memory so good that you will say that it did not take place, or simply that you don't remember?

*A*. Well, I would prefer saying that I don't remember; I am inclined to think that there was nothing said.

*Q*. The *non mi ricordo* is the more agreeable form of putting it?

*A*. All right.

*Q*. You were present at the second meeting of the caucus?

*A*. I was present at each of these.

*Q*. Have you more distinct recollection of what took place at the second than at the first?

*A*. I think I have; I really forget what we called the caucus for; except it was to——

*Q*. Except it was to give the caucus something to do?

*A*. Perhaps it was.

*Q*. Did you leave it to your deputy?

*A*. I simply called a caucus, and I was there.

*Q*. You got instructions, I suppose, from the Leader?

*A*. From the Leader to call the caucus at a certain hour, and I called the roll at the meeting.

*Q*. Do you recollect what the second caucus was called for?

*A*. No.

*Q*. Or do you recollect the time?

*A*. No.

*Q*. You have got no memorandum?

*A*. I have got a note book that I carried to keep such matters in in my pocket during the sessions; I have not got it with me; I did not know I would be questioned on such subjects, and I did not bring it.

*Q*. Was it a diary for the year 1884?

*A*. No, it was just simply a little blank book that I used to put my pairs and such little matters.

*Q*. Do you keep your jottings in it still?

*A*. No, I simply kept it during the session.

*Q*. You did not give it to Mr. Dwight?

*A*. Oh, no; just a private memo.

*Q*. Without the aid of that you could not give us the date?

*A*. No. I am not positive I put the date in that.

*Q.* Not recollecting what it was called for, or the time, do you recollect what took place at it?

*A.* Not particularly; we called one caucus that there was very few attended; we did not really go on with anything—dispersed; but whether that was the second or third I am not really aware.

*Q.* It was said by one of the witnesses that amongst other things that he thought were discussed at the second caucus was the question whether they would vote on the timber policy or not; is that your recollection or not?

*A.* I don't remember anything about that question.

*Q.* Will you presume for a moment to say that it did not take place?

*A.* I don't know whether it took place or whether it didn't.

*Q.* Do you recollect seeing the resolution prepared by the Opposition in regard to the question of the timber policy?

*A.* No, I don't think I saw one, at no time.

*Q.* Didn't you see it at the caucus or meeting that was held on the 19th March?

*A.* No, I don't recollect seeing any such resolution.

*Q.* One of the witnesses has told us that it was a resolution that had been prepared by Mr. Meredith earlier?

*A.* If it was so, I have no recollection.

*Q.* Do you think your deputy would know more about this than you?

*A.* Possibly.

*Q.* He could not know less?

*A.* He could not know less.

*Q.* Those were the only three meetings that you recollect?

*A.* That is all that I remember about.

*Q.* Do you know Mr. Wilkinson?

*A.* I met him once or twice.

*Q.* I can't get anybody that did more than meet him; I don't know how that is; why didn't you do more than meet him?

*A.* Well, I know him if you prefer the word.

*Q.* Shook hands with him?

*A.* Yes,

*Q.* Frequently?

*A.* Well, in Toronto I only met him once or twice I think, during the session.

*Q.* Which Christian name do you give him?

*A.* Wilkinson is the only name I knew him by; I have heard him called "Squirrel Coat," is it, or what is it.—I forget.

*Q.* You utterly repudiate the idea of his having a Christian name?

*A.* Oh; I don't know his other name.

*Q.* Didn't you know that he had been christened "Big Push?"

*A.* "Big Push" I was thinking of "Squirrel Coat," but that was another man,—Big Push.

*Q.* That was another Wilkinson; when were you first introduced to him?

*A.* In the County of Renfrew, during the Dowling election; he was there in Mr. Devine's interests.

*Q.* Was the Devine Candidate a Conservative or a Reformer?

*A.* Conservative.

*Q.* You ran a deity in what county?

*A.* South Renfrew.

*Q.* Was the deity beaten?

*A.* Yes.

*Q.* What was Mr. Wilkinson doing there?

*A.* He came up in the interests of Mr. Devine; he spoke at meetings.

*Q.* Do you reccollect when that was?

*A.* It was after the protest, early in January.

*Q.* Had you known Mr. Wilkinson in any other election contest?

*A.* No; I had never met him before.

*Q.* Were you on the platform with him?

*A.* No; I was not: when I first met him I was in a hotel, and he came in. He had just come up from Ottawa.

*Q.* Was there anything that attracted you in him?

*A.* No.

*Q.* Has he large pockets or anything of that kind?

*A.* Not that I am aware of.

*Q.* He never helped you in your county?

*A.* No.

*Q.* After that meeting in January, when did you next meet him?

*A.* In Toronto, here, on Bay Street, I think. I have only a distinct recollection of meeting him once.

*Q.* Did you know Mr. Meek, the solicitor of the party?

*A.* I knew him towards the end of the Session, I did not know him before.

*Q.* About when were you introduced to him?

*A.* I really can't remember of being introduced to him. He was pointed out to me.

*Q.* Did you introduce yourself?

*A.* I don't know. I came to know him somehow.

*Q*. In the usual way you met him?

*A*. Yes.

*Q*. Did it ripen into greater intimacy?

*A*. Not particular. I have not met Mr. Meek more than three or four times.

*Q*. Did you ever have any private conversation with him at all?

*A*. No.

*Q*. Or with Wilkinson about any members?

*A*. Mr. Wilkinson asked me some questions in regard to some of the members. It was when I met him on Bay Street. It was during the Session, I think in the early part of the Session.

*Q*. Who was it he asked you about?

*A*. Well, he asked me in a more general way, I think, than particular, if I thought there was any, if I saw any, disaffecting among the supporters of the Government, if I thought any of them would be likely to go to our side.

*Q* That was the first time Mr. Wilkinson had spoken to you since you had met him down in Renfrew?

*A*. Yes.

*Q*. Had you only the one conversation with him?

*A* That is all I am aware of.

*Q*. He asked you if there were anyone that you thought was disaffected towards the Government?

*A*. If I was aware of any disaffection: I said I didn't know of any, he said, he thought perhaps, that there was.

*Q*. Then what name did he mention to you?

*A*. I don't know that he mentioned any name?

*Q*. Swear that he did not?

*A*. Yes.

*Q*. You are not in a caucus now?

*A*. I am not aware of his mentioning any names.

*Q*. Did you suggest any to him?

*A*. No.

*Q*. Had you any further conversation?

*A*. No, nothing whatever; he passed his way and I passed mine.

*Q*. That was before the first vote was taken?

*A*. Well, I suppose so; it was early in the session.

*Q*. You did not meet him afterwards?

*A*. No.

*Q.* Then were you aware of Mr. Wilkinson being in any other constituency than Renfrew?

*A.* Well, I heard of his taking part in Muskoka. I spoke to him about it; we had a conversation about Muskoka.

*Q.* When was it you had a conversation about Muskoka?

*A.* In Renfrew.

*Q.* Which Muskoka campaign was that?

*A.* The last one, the same time Fauquier ran there.

*Q.* For the House of Commons?

*A.* No.

*Q.* Was that the regular general election for Muskoka?

*A.* Yes.

*Q.* Was he telling you a little of his exploits there?

*A.* Oh yes, in a jocular way.

*Q.* It is a thing that you could scarcely be serious upon?

*A.* No.

*Q.* Therefore if he told you at all it must have been in a jocular way?

*A.* Yes.

*Q.* Did he tell you much about it?

*A.* No; not much.

*Q.* So then you came to the conclusion that he could not have a Christian name?

*A.* I never considered that subject.

*Q.* Did he reveal to you the mode whereby he had been able to do a little in Muskoka?

*A.* Well, he talked about his demoralising his opponents on the platform more than anyone else.

*Q.* Not demoralising—demolishing them?

*A.* Demolishing.

*Q.* He demoralised them when he got them off the platform, but he demolished them when he got them on the platform?

*A.* Oh!

*Q.* You had not met him until this occasion in Toronto?

*A.* In Toronto.

*Q.* You did not care to let him into the secrets of your party?

*A.* No.

*Q.* You did not recognise him as being one who was working with you?

*A.* Not particularly. I knew he was a friend to the party.

*Q.* And that he was just working in a general way?

*A.* Yes.

*Q.* That was during the first fortnight?

*A.* Yes.

*Q.* Then there was a vote; are you aware that Mr. Wilkinson left the city of Toronto not long after the vote?

*A.* I don't know when he left.

*Q.* Of course you yourself did not approach any member?

*A.* No.

*Q.* Or make any offer to them?

*A.* None whatever.

By Mr. CASWELL.—Would you tell me if Mr. Kirkland's name ever came up at any of these caucus meetings?

*A.* No; I have no recollection of hearing it any way.

*Q.* Did Wilkinson's name ever come up at any of these meetings?

*A.* I have no recollection of it.

*Q.* If they did any wrong I suppose the party did not authorize them to do it?

*A.* No.

*Q.* The caucus did not authorise them to take any proceedings?

*A.* Certainly not.

*Q.* You would know if anything of that kind were done?

*A.* I would probably know.

*Q.* I think you said you had no recollection of the timber policy coming up at any of your meetings?

*A.* No.

By Mr. MEEK—*Q.* I understand you to say that you never met me more than two or three times during the Session?

*A.* That is all.

*Q.* You never heard me called the Solicitor of the party, which my learned friend is trying to do?

*A.* Yes, I have heard you called the Solicitor of the party.

*Q.* By whom?

*A.* In conversation with members of the party; I can't remember who; my first recollection of hearing you spoken of at all was in connection with the party, as being a friend of the party's.

*Q.* What Mr. Blake tries to convey is that I was acting as legal adviser and Solicitor for the party?

*A.* I did not mean to put it in that way; I did not understand that there was any; I had no official notice of your position in that way.

*Q.* I don't know that you had any notice, official or otherwise?

*A.* No.

*Q.* I think you were in the smoking-room of the House of Parliament the evening that I had the conversation there with Mr. Cascaden; I would like you to try and recollect, and I will call the circumstances to your mind and then ask you if you can recollect?

Mr. Blake.—I think it would be more reasonable if Your Lordships are going to decide this upon the memory of Mr. Meek, to ask Mr. Meek what took place instead of saying "Don't you think so and so did happen?"

The Chairman.—I think that is the usual way of examining a witness, instead of telling him all the circumstances, which is leading.

Mr. Meek.—I am cross-examining.

The Chairman.—There must be some limit.

Mr. Meek.—I shall do that. (To witness.) *Q.* Then do you recollect seeing me in the smoking-room in conversation with Mr. Cascaden?

*A.* I don't remember.

*Q.* Do you remember on one occasion seeing me sitting on the platform to the left of the Speaker under the reporters' gallery?

*A.* I can't recollect; I remember seeing you on the floor of the House sometime, but I can't particularise what day.

*Q.* Under the Speaker's gallery there?

*A.* Yes, in that neighbourhood; what we call the Speaker's gallery is at the lower end of the room opposite the Speaker; you mean under the reporter's gallery, I infer.

*Q.* Under the reporter's gallery I am speaking of?

*A.* Yes, that is where I do remember having seen you.

*Q.* Do you remember Mr. Bunting sitting there at the same time?

*A.* I remember Mr. Bunting sitting there—whether at the same time or no, I don't recollect.

*Q.* I suppose you would not have observed it, I need hardly ask you the question, but do you recollect whether Mr. Cascaden was also sitting there beside myself and Mr. Bunting?

*A.* I don't recollect; I don't remember seeing you and Mr. Bunting sitting in any particular time or sitting together, but I remember that I have seen both of you there.

*Q.* Sitting in that same quarter under the reporters' gallery?

*A.* No, I don't; I remember seeing you both there, but whether you were together or separate I cannot say.

*Q.* I am not asking whether we were together or not; I am asking you whether you saw Mr. Bunting and myself sitting there under the reporters' gallery at the same time?

*A.* No, I can't recollect it.

*Q.* Do you recollect whether Mr. Cascaden was sitting there or not at any time when Mr. Bunting was sitting there, or when I was sitting there?

*A.* I don't remember.

*Q.* You never had any conversatien with me, or I with you in reference to any members, or approaching any members?

*A.* Not that I am aware of.

David H. Minaker, called by Mr. Blake, sworn:

*Q.* You reside in Cobourg?

*A.* Yes.

*Q.* Do you know a gentleman by the name of Wilkinson?

*A.* I do.

*Q.* For how many years have you known him?

*A.* I ain't sure, but when I seen him about twenty years ago, sometime when he was married; he married a lady in Cobourg; then for a great many years I don't remember seeing him till I think about, I forget how many years; it was the election about four years ago I think, or five; he lived in Western Canada some part of the time.

*Q.* And then he returned to Cobourg?

*A.* He never lived in Cobourg before, that I am aware of.

*Q.* Was the lady any relative or connection of yours or your wife's?

*A.* No.

*Q.* Then she was merely an acquaintance of yours in Cobourg?

*A.* Yes.

*Q.* The last four years he lived in Cobourg?

*A.* Yes.

*Q.* When did you last see him?

*A.* I think about three or four weeks ago.

*Q.* Where was it that you saw him?

*A.* Cobourg; I think I saw him next door to me in Mr. Sallsbury's, a brother-in-law of his; he generally comes down there for the papers every morning, Mr. Sallsbury is a stationer.

*Q.* He used to come down almost every day to see the papers?

*A* I don't know, I often saw him there.

*Q.* Do you live next to Mr. Sallsbury?

*A.* Next door.

*Q.* You are in the habit of meeting him frequently through him coming down to see the papers or get the papers from the brother-in-law's place?

*A.* Yes; often when the papers would come in, being close by, I would slip in and see him there.

*Q.* You are also a member of the same political party—a Conservative?

*A.* Yes.

*Q.* Where was it you saw him three or four weeks ago?

*A.* I think it was at my door, standing along on the street there; that is the last time that I met him; I supposed that he was going to his own house; he did not mention that he was going away; I did not know that he was going away.

*Q.* Did you know that he had gotten an appointment in the North-West?

*A.* I had heard that he had one time, sometime, by reports.

*Q.* Had you ever spoken to him about it?

*A.* No.

*Q.* You swear to that?

*A.* Yes.

*Q.* He had never said anything to you about it?

*A.* Well, I have heard him for sometime say that he was going to get an office in the North-West; I heard him mention that frequently, in fact I heard him state that he expected to go down soon to see if he couldn't get an appointment, or words to that effect; I paid little attention.

*Q.* When was it that he mentioned to you that he was going down to Ottawa to get his appointment?

*A.* I think he has mentioned it, maybe it might be three or four times within this last year.

*Q.* 1884?

*A.* Yes, and part of 1883.

*Q.* That he was going down to Ottawa to get his appointment?

*A.* I think I am safe in saying it went farther back than a year.

*Q.* Farther back than July of 1883?

*A.* Yes.

*Q.* Can you say whether this meeting with you was in June, or what period of June it was?

*A.* Well, three or four weeks sometimes passes quicker than it does other times; I think I am safe in saying that it is within three or four weeks; I have got no date.

*Q.* Have you got any circumstances that will bring it before your mind?

*A.* No.

*Q.* How long was it after this conversation, which you say took place two or three weeks ago, that Mr. Wilkinson left for the North-West?

*A.* I could not say. I think a few days afterwards I heard someone say that Mr. Wilkinson had gone west; I can't say whether it was someone in the store—his wife and daughter sometimes came in—whether it is from that source; I keep a store.

*Q.* You think it is possible or probable that Wikinson's wife or daughter may have mentioned the fact that he had gone?

*A.* Or Mr. Kershaw, or someone there friendly with him.

*Q.* Did Mr. Wilkinson tell you that he was probably going to the North-West?

*A.* Not just recently.

*Q.* When was it that he last mentioned to you that he was probably going to the North-West?

*A.* I really couldn't say, because he has, I know, been expecting and wanting a situation in the North-West for some time.

*Q.* What is the situation that he had gotten in the North-West?

*A.* I don't know; I don't know that he has got any.

*Q.* You say you were told,—from the information you received?

*A.* Well we see sometimes in print many statements or reports which are not correct; I see sometimes, I think, in our local paper that Mr. Wilkinson got an office, or I think I see it in the *Globe.*

*Q.* Connecting these two things, the local paper and the *Globe*, surely you cannot have any doubt that it must be a fact?

*A.* I think that there is great doubt about it.

*Q.* Do not the two combined convince you?

*A.* No sir.

*Q.* What was the office that you heard that he had obtained?

*A.* Well, one of the offices, Regina or Edmonton registrarship,—or Calgarry I think one of these three.

*Q.* What office is that he is enjoying at present?

*A.* I don't know.

*Q.* Didn't you hear?

*A.* I did not.

*Q.* You swear to that?

*A.* I swear to that.

*Q.* Are you not aware that he is at present up there inspecting certain lands?

*A.* I am not.

*Q.* Were those what he told you were the prospective offices?

*A.* No; well it seems to me that more than a year ago he had an idea of Edmonton; I think that he went to Ottawa once or twice—told me that he was going down to see whether he couldn't go away sooner than he was expecting at one time; he thought that if he waited till the winter season that it would not be so pleasant, and he wanted to get out in the spring, so it must have been early in 1883, and when he went down to Ottawa he came back and did not get the office, I remember that, but he went down afterwards.

*Q.* I should imagine that, because it would not have suited at all, that he should have gone away in the spring?

*A.* Well, he was very anxious to.

*Q.* He didn't get his office, and he was kept on until he went away in June, 1884?

*A.* I don't know whether he was kept on; he remained at home.

*Q.* Before these three or four weeks had passed, how long before had you seen Mr. Wilkinson, or were these meetings such an occurrence that you couldn't keep the dates?

*A.* Oh, it is impossible; sometimes I will just meet him on the street and bid him the time of day; there was no special reasons for conversation.

*Q.* That is all that you know of where he has gone to and where he now is?

*A.* Yes, I have not the slightest idea.

*Q.* Did you yourself take any part in the contest in West Northumberland—that is the riding in which you live?

*A.* I did.

*Q.* Did Mr. Wilkinson?

*A.* Yes sir, I generally took a part in it.

*Q.* With brother Wilkinson?

*A.* Well, I don't know; with the party,—I don't know specially with whom.

*Q.* You worked a little in with him?

*A.* I worked; I see him different times on the platform.

*Q.* And off the platform?

*A.* Yes.

*Q.* I thought you were so much with him that you would be able to tell us all about him; you are disappointing me a bit?

*A.* I am.

*Q.* In his absence I think you should try and stand up a bit for him and represent him?

*A.* I will, as far as I think he is a good man; on the platform, I always thought that.

*Q.* We think he is a better man off the platform?

*A.* We differ there.

*Q.* Is your place on the platform, or off the platform?

*A.* I have no special place, I think, not that I am aware of.

*Q.* Are you the complement of Wilkinson; do you work in that way, the one on to the other?

*A.* Well, I don't know, he is always willing to go wherever his friends thought.

*Q.* Then you don't recollect any interview that you had with Mr. Wilkinson before these three or four weeks in which he mentioned to you that he was going to the North-West?

*A.* No.

*Q.* Will you swear that that did not take place?

*A.* I will swear.

*Q.* Were you aware that he went down to Ottawa in the month of February last; did he tell you that?

*A.* No, I think that I was aware that he had been down, but that was after he returned—not by any conversation with him; we have had very little conversation since February last.

*Q.* Is he generally a talkative man?

*A.* Well, I suppose he is with friends; with some he would be more so than others.

*Q.* Aren't you one of his friends?

*A.* Yes, I am, but sometimes some are more outspoken and others are more reserved; I try as much as possible to keep my own counsel, and some people I don't open out to as readily as others.

*Q.* Did you not open out to him?

*A.* I did not.

*Q.* He is not the style of man that you unbosom yourself to?

*A.* Well, not on all matters by any means.

Commissioner SENKLER.—*Q.* Where is Mr. Wilkinson's family?

*A.* Cobourg.

*Q.* Residing there?

*A.* Yes.

*Q.* You know they are there at present?

*A.* They were there within a few days.

By Mr. CASWELL.—*Q.* I suppose you saw the advertisement of the day this Commission was to be opened?

*A.* I remember seeing that.

*Q.* Do you remember when you saw Wilknson; was it before that or later?

*A.* I think it was before; it is the advertisement for the 14th July I have reference to; I don't remember noticing the one for the 14th June.

The CHAIRMAN.—*Q.* Was it as far back as the 14th June that you saw Wilkinson.

*A.* Well, I have always found in my business to name given dates was a very dangerous thing; I have found that often.

*Q.* The nearest you can come is three or four weeks ago?

*A.* It might be longer, and the more I think I think it was a longer time; that is my impression. (By permission of the Court witness here asked Mr. Mulholland how many days it was since the latter returned from Winnipeg. Mr. Mulholland said he returned a week ago last Monday). Well, it must have been more than four weeks or five.

LACHLAN MCCALLUM, called by Mr. Blake, and sworn:

*Q.* You are the member for Monck, Mr. McCallum, in the Dominion Legislature?

*A.* Yes, sir.

*Q.* How long have you represented that constituency?

*A.* About 17 years.

*Q.* Did you attend the last session of the Dominion House?

*A.* Yes.

*Q.* Were you there all the time?

*A.* Not all the time

*Q.* How often were you absent from the sittings?

*A.* I think once, that I had to go home through sickness in my family—once or twice, for a few days.

*Q.* Is your memory not good enough to say?

*A.* I think twice.

*Q.* And do you remember at what period in the session it was that you left?

*A.* Well, I could not say on the first occasion, but I think I could on the last.

*Q.* When did the House begin to sit?

*A.* Well, I do not know that I charged my memory with that. This year we met earlier than usual—some time in January.

*Q.* Then, was it in January, do you recollect, that you first came up?

*A.* I think not. I think it was in February.

*Q.* Do you recollect what part of February it was?

*A.* No, I could not.

*Q.* Well, in February you think was the first visit—and the next?

*A.* The next was in March.

*Q.* And which of these visits was owing to the unfortunate sickness in your family?

*A.* Both of them. My daughter was very sick.

*Q.* Do you recollect about how long you were away on the first occasion?

*A.* Oh, very short the first time—I think a day or two—just time enough to get home and turn around.

*Q.* Would that be only an absence from Ottawa of five or six days?

*A.* No.

*Q.* Four days?

*A.* No.

*Q.* Three days?

*A.* I think the first time I left Ottawa on Friday night, and got back there Tuesday morning. That is as far as I can remember.

*Q.* And on the second occasion were you longer?

*A.* Yes.

*Q.* How long do you think you were on the second occasion?

*A.* I think four or five days—five days.

*Q.* On the first occasion you left on Friday and you did not get back until Tuesday—portions of five days?

*A.* Yes.

*Q.* The second you were longer?

*A.* I think I can speak more positively as to the latter.

*Q.* Would it be about a week then, if longer than the first?
*A.* No, it might be five days—that is in all.

*Q.* Where is it you live, Mr. McCallum?
*A.* I live in the County of Monck. Stromness is my post office.

*Q.* And did you go directly to Stromness?
*A.* The first time I did.

*Q.* Not stopping on the way?
*A.* No.

*Q.* And returning did you also go directly?
*A.* Yes, I did. Oh, I might make a stay here coming back. I do not like to travel at night to Ottawa since I have got to be an old man. I prefer riding in the daytime.

*Q.* And you might have stayed over coming down?
*A.* Yes.

*Q.* But coming up you came directly?
*A.* Yes, that is the first occasion.

*Q.* Coming up on the second occasion did you go directly home?
*A.* No, I stayed here on my way up two or three days.

*Q.* Do you remember the day of the week you arrived here?
*A.* I think it must have been on the 13th of March—the 12th or 13th.

*Q.* Did you leave Ottawa by the night train?
*A.* I think I did.

*Q.* The 10 o'clock train at night?
*A.* I think it was.

*Q.* You made an exception and played the young man that night?
*A.* Yes.

*Q.* Arriving here on the 13th, or would it be the 12th?
*A.* Well, it would be either the one or the other. I know I stayed here two or three days then. I think I went away from here on a Saturday.

*Q.* Would that be Saturday the 15th of March?
*A.* Yes.

*Q.* Then, if you went away on Saturday, it would be Wednesday the 12th, that you arrived here?
*A.* Yes, I think so.

*Q.* Then you went home—and how long did you remain there?
*A.* I remained over Sunday, and came back Monday morning.

*Q.* So that you remained from Wednesday to Saturday in Toronto, stayed home Sunday, and came back on Monday?

*A.* Yes, I am satisfied that is correct.

*Q.* While you were here, did you receive any telegram as to the health of the member of your family that was ill?

*A.* No.

*Q.* Or any communication?

*A.* Oh yes.

*Q.* By letter?

*A.* No, I met an individual here from our part of the country that told me my daughter was better.

*Q.* Did you receive a telegram when you were in Ottawa speaking about her health?

*A.* No, I had a letter.

*Q.* And did the letter tell you also that she was better?

*A.* No, very sick—in fact, she was sick all spring, ever since I had been in Ottawa. I was very anxious about her.

*Q.* Did you transact any business in Toronto?

*A.* No, not of any importance.

*Q.* Where did you remain while here?

*A.* Do you mean where did I board?

*Q.* Yes.

*A.* At the Queen's Hotel.

*Q.* Did you see any members of the Local House?

*A.* Oh yes, I seen pretty much all.

*Q.* It was quite a holiday to you to be with them?

*A.* Well, you may call it a holiday if you like.

*Q.* And wouldn't you call it a holiday—it was a pleasure at any rate?

*A.* It is always a pleasure to me to meet my acquaintances.

*Q.* And do you recollect whom you met of the members of the Local Legislature that you could name?

*A.* I do not know as I could name. I know I was up to the House.

*Q.* Whom did you see there?

*A.* Well, I could not tell you. I see several faces in this room that I saw there. For instance, I see Mr. McKim, Mr. Broder, and I see Mr. Monk. I went up especially to see an old friend of mine, Mr. Austin Phelps, of Simcoe.

*Q.* And you saw him?

*A.* Yes.

*Q.* Anyone else?

*A.* Oh, yes; I was in the chamber and in the smoking-room, and saw all the members pretty much.

*Q.* But you could not give us the name of any you spoke to?

*A.* I spoke to Mr. M'Kim, I spoke to Mr. Austin Phelps; I think I spoke to Mr. Broder, who had just returned from being married, I think.

*Q.* You have mentioned that you spoke to those, and I ask you on your oath if you remember anybody else you spoke to?

*A.* Oh, yes; I remember several I spoke to; if you give me time I will mention them; I spoke to Mr. Neelon, of St. Catharine's; I forget the name of the member from Waterloo that I was introduced to and spoke to that I never spoke to before; I think I was introduced to a man named Mr. Drury, a gentleman I did not know before.

*Q.* Anybody else?

*A.* I do not remember just now, sir.

*Q.* You swear to that?

*A.* Yes; I swear that I do not remember just now; I am on oath all the time.

*Q.* Still, under oath you will not give me the name of anybody else that you spoke to?

*A.* If you give me the name I will tell you; I have no doubt I met members of the Government and spoke to them, because I am friendly with them when I meet them; yes, I remember now speaking to the Minister of Education, Mr. Ross.

*Q.* And is it only the members of the Government that you speak to, or do you speak to the leaders of the Opposition?

*A.* I do not say that; I speak to anybody that is of my acquaintance, whether they are members of Parliament or not.

*Q.* Well, did you speak to any person that represents a county near your own?

*A.* Yes, I spoke to Mr. Harcourt.

*Q.* Where did you first meet him?

*A.* Do you mean the first time in my life, or when?

*Q.* At this visit in Toronto?

*A.* I think up at the House there.

*Q.* Now, recollecting him, do you recollect any other supporter of the Government to whom you spoke?

*A.* Yes.

*Q.* Who else?

*A.* I met an old friend there, the member from South Victoria, Mr. McIntyre; I think the first time I ever met him as a member of Parliament; I have no doubt there are several more, but I do not tax my memory with it at all.

*Q.* And do you recollect the subject of your conversation, for instance, with Mr. McIntyre?

*A.* No, I do not.

*Q.* Has that passed from your mind ?

*A.* I had no more conversation with him than what I would if I met you ?

*Q.* Then you did not, during those days, as I understand, prosecute any business in Toronto ?

*A.* Not particularly.

*Q.* Any general business ?

*A.* No ; of course, if you want my business from the cradle to the grave I was trying to make a market for grain and hay.

*Q.* And whom did you see ?

*A.* I went down to the market and looked at it, and I finally sold hay, and I think agreed with a man of the name of Shaunessy to deliver some hay up to Lake Superior.

*Q.* You did not come up here to transact any business ?

*A.* I always have an eye to business wherever I go.

*Q.* Did you do anything else that you can recollect ?

*A.* No.

*Q.* Or any places that you were at, except the market and the Queen's Hotel and the House. Were you at the House every day ?

*A.* No, I was not.

*Q.* How many visits did you pay to the House ?

*A.* A visit on each occasion.

*Q.* On each day ?

*A.* No, sir. I was twice from Ottawa home during the session, and generally, if I have time while in the city of Toronto, I go up to the Parliament Buildings, if they are in session.

*Q.* Did you know Mr. Wilkinson ?

*A.* Yes, I know Mr. Wilkinson.

*Q.* How long have you known him ?

*A.* It is some time—I do not know as I can exactly tell you.

*Q.* Would it be years or months ?

*A.* Oh, it would be years. The first time Mr. Wilkinson was pointed out to me was when that article came out in the papers about Big Push.

*Q.* That would be the first time ?

*A.* I know I did not know him then, because I wanted to know——

*Q.* Did you become acquainted with him then ?

*A.* No, I never became intimately acquainted with him. I do not know that I know him yet, except to bid him the time of day.

*Q.* That is, you do not see clean through him ?

*A.* No, sir.

*Q.* But you are acquainted with him enough to shake hands with him?

*A.* Exactly.

*Q.* Did you see him here during this visit?

*A.* I think I saw him on the stoop at the Queen's Hotel.

*Q.* Anywhere else?

*A.* No, I think not. Yes, I saw him at the station, I think.

*Q.* The Union Station?

*A.* Yes.

*Q.* On what occasion was that—your coming up or your going away?

*A.* Well, I think neither. I think I went down to the station to meet some party there, and I think Mr. Wilkinson was there.

*Q.* Do you recollect who was with Mr. Wilkinson on that occasion?

*A.* No.

*Q.* Had you seen Mr. Wilkinson in Ottawa shortly before your visit here?

*A.* I think not.

*Q.* Sure?

*A.* I do not remember seeing Mr. Wilkinson in Ottawa. I think about two or three years ago I seen him in Ottawa.

*Q.* Will you swear you did not see him in Ottawa during the session?

*A.* Yes.

*Q.* Is your memory pretty good?

*A.* Yes, pretty good.

*Q.* Had you received any message from him directly or indirectly?

*A.* Never from Mr. Wilkinson that I know of.

*Q.* Did you mention to any persons in Ottawa that you were leaving before you came up?

*A.* Yes.

*Q.* To whom did you mention it?

*A.* All the boys nearly knew that I was coming away. All the friends were very sorry that a member of my family was sick.

*Q.* And was it only the boys knew it?

*A.* Well, I call men boys; I make that slip.

*Q.* Nobody asked you to come to Toronto?

*A.* No, sir.

*Q.* Are you sure of that?

*A.* Sure of it.

*Q.* Is your recollection of any conversation you had with any of the members as small as that of your conversation with Mr. McIntyre, or were there any of them that you had a more detailed conversation with?

*A.* No, I do not think I had any detailed conversation with any of them; if you mean in reference to this question here, I say I had no more conversation with any of them more than I could go and say on the house top. I swear to that positively.

*Q.* Did you ask any of them how they were going to vote?

*A.* No.

*Q.* Not a single person?

*A.* Not a single man, I would not presume to do that, because I would consider it impertinence on the part of any person to ask me how I was going to vote.

*Q.* Or any question of supporting the Government or the Opposition?

*A.* No.

*Q.* Said nothing to any one about the course he was going to pursue in the House?

*A.* No, I may have said to the boys that I would be very glad to see Oliver Mowat's Government turned out of power, because I said that all my life since ever it was formed.

*Q.* And do you remember any boy in particular to whom you said that?

*A.* No, neither boy nor man.

*Q.* Are you in the habit of collecting the boys around you and making little speeches to them?

*A.* No.

*Q.* You say you may have done it—then probably you did it?

*A.* I may have. If that is a sin, I am guilty.

*Q.* And you do not recollect sufficiently to know whether it was at the House that you thus addressed the boys, or at the Queen's, or where?

*A.* I do not say I did it at all—that I made any such speech.

*Q,* What did you say about the speech?

*A.* About what speech?

*Q.* The speech to the boys?

*A.* I did not say I made any speech to the boys. I said I may have said so, but not a speech.

*Q.* You may have said to the boys that you wanted Oliver Mowat out?

*A.* I say I think I told the boys, when I came away, that my daughter was very sick, and they were sorry. I say I may have said to the members of the House—I did not say I said it—that I would be very glad to see Oliver Mowat's Government defeated, because I said it on the hustings and everywhere, and if that is a sin, I am guilty.

*Q.* That was to the Ottawa boys?

*A.* No.

*Q.* What boys, then?

*A.* To the whole world—to every boy in the whole world—I say I may have said it.

*Q.* And you have no smaller stage than the world to play it in, and it may have been to the world that you made this address?

*A.* I am responsible to the world for my actions, and I am responsible to my Maker for the answers I give you now, and if you put the questions straight, I will be very glad to give you a straight answer.

*Q.* Then when you said you may have said to the boys that you would be very glad for the Mowat Government to be turned out?

*A.* I do not think I used the word boys on that occasion. If I did I did not mean to. I spoke of the members of the House.

*Q.* Was it in the House here or was it at the Queen's that you may have addressed either the members of the House, or the boys, as you call them?

*A.* I do not say I addressed them at all, I have no recollection of it. I say I may have said it.

*Q.* And you will not go any further than that?

*A.* No.

*Q.* Had you any conversation of that kind with any one member of the House?

*A.* I do not recollect having any conversation with any member of the House, but what I would tell to the world publicly.

*Q.* Had you any conversation, for instance, with Mr. Harcourt upon the question?

*A.* Well, I do not know, I may have.

*Q.* Try and think that over?

*A.* It is altogether likely I may have, but certainly I would not say anything to induce Mr. Harcourt to vote one way or the other—would not presume to do it.

*Q.* But we will just get at the conversation, I have no doubt from what you have said that you will give it to me if you can recollect it?

*A.* Certainly.

*Q.* And what was the conversation you had with him?

*A.* I do not recollect distinctly.

*Q.* Did you see Mr. Harcourt more than once?

*A.* I think I did—may have seen him two or three times, because I have been at the House, and I may have met him at some of the hotels afterwards. Yes, I think I did.

*Q.* I am told you saw him three times. I do not know whether your memory is the same as my information?

*A.* I may have seen him half a dozen times, I do not recollect.

*Q.* You remember seeing him at the hotel?

*A.* Yes.

*Q.* Was that at the Queen's?

*A.* No, I think it was at the Rossin, I may have seen him at the Queen's too.

*Q.* Do you recollect at which hotel he was staying?

*A.* I think he was staying at the Rossin

*Q.* Do you recollect whether you first saw him at the Rossin or the Queen's?

*A.* I do not say that I saw him at the Queen's at all, but if my memory serves me right, I saw him at the House, I think in the corridor, he was passing by and shook hands with me. I think I saw him afterwards at the Rossin.

*Q.* Did you take any meal with him, or simply call upon him?

*A.* I did not take any meal with him.

*Q.* Simply called upon him?

*A.* Yes.

*Q.* Do you recollect what time of the day or evening it was?

*A.* I do not.

*Q.* Do you recollect what passed between you at that conversation?

*A.* Well I do not know as I do. I think we were talking something about the Mowat Government and the way they were getting on in the session. They were getting through pretty well to the end of the session.

*Q.* Was anything said about Mr. Mowat's supporters or followers, that they would bolt; do you recollect such an expression?

*A.* No, I do not remember that, but I think I said, chaffingly to Harcourt, that there were rumors that there was going to be a Coalition Government formed, and that he was going in it; I think I chaffed him about that, and I said, "If we have a new election in Monck, I think you can be elected without any trouble;" I was chaffing; I think there was something of that kind.

*Q.* And what did he say to that?

*A.* Oh, he just laughed at the idea.

*Q.* And how long before that was it that you had heard something about the Coalition Government?

*A.* Oh, I cannot tell you; it was a rumor; I don't know as anybody ever told me; I just said it chaffingly.

*Q.* Just a general rumor?

*A.* You might read it in the Toronto *Mail*: every day it said that Mowat must go, you know; I think that is about the conversation I had with Mr. Harcourt; of course Mr. Harcourt. if you subpœna him, will tell you all about it, if you ask him.

*Q.* But I think I am entitled to get it from you?

*A.* Certainly. and I tell you all I know and all my memory serves me.

*Q.* I was asking you how long before this was it that this rumor, whether it was vague or particular, had reached you about the Coalition Government?

*A.* I don't know as it reached me at all; I cannot say

*Q.* You see you were informing him of the fact?

*A.* I say I told him chaffingly, to see if I could prove if there was anything in the rumor or not.

*Q.* Then you must have heard the rumor if you wanted to test whether it was true or not. Before you left Ottawa had you heard the rumor?

*A.* I cannot tell you whether I heard it before I left Ottawa, or whether I heard it after I came here, or whether I heard it some time before; my memory does not serve me.

*Q.* Did you speak to him more than once about this rumor of a coalition?

*A.* No, I did not.

*Q.* Did you speak to anybody else, except Mr. Harcourt, upon this rumor of a coalition?

*A.* I may have spoken to a dozen; may have asked a dozen if there was any truth in it.

*Q.* Do you recollect anybody besides Mr. Harcourt that you did ask?

*A.* No.

*Q.* Just think that over and see?

*A.* I do not remember; I may have talked to a dozen about it, saying there was such a rumor, but I went and asked Mr. Harcourt.

*Q.* It doesn't do as much good to say it may have happened; the question is whether it did or did not?

*A.* I have no recollection just now; if I had I would tell you.

*Q.* Just try and think if there was anybody else?

*A.* I say I think it is like enough I may have talked to several, but my memory does not serve me just now that I talked to anybody in particular about it more than I have told you

*Q.* Then do you recollect more of the conversation that took place between you and Mr. Harcourt than you have mentioned?

*A.* No, I do not think there was any more conversation on that subject, because you will understand me, I said to him, the rumour is so-and so-, and he pooh-poohed the matter; and I said, "If that is the case, if you are going into the Coalition Government, there is no doubt you will be returned for our county by acclamation." I mentioned that to him, and he pooh-poohed the idea, that's all.

*Q.* You said you wanted to find out the truth of the rumor?

*A.* Yes, I suppose that was it as much as anything else.

*Q.* And it was a mere question of idle curiosity on your part?

*A.* It was not a matter of idle curiousity to me, I would be very glad to see it take place.

*Q.* Therefore it was a matter of interested curiosity on your part, asking the queston?

*A.* Yes, if it was true.

*Q.* And do you remember mentioning to any person what it was that Mr. Harcourt had said when you came to test it with him?

*A.* No.

*Q.* Try and think that, now?

*A.* I say he pooh-poohed the idea.

*Q.* Well, I say do you remember anybody to whom you mentioned the fact that Mr. Harcourt pooh-poohed the idea?

*A.* I may have done so; I tell you now that he said he did not believe there was anything in it.

*Q.* I want to carry you on a little further and see whom you met next about this; you see I have been obliged so far to tell you almost everything; it is now for you to tell me something?

*A* I am very much obliged to you if you assist me in giving evidence.

*Q.* Yes, and I think I see you looking obliged; whom do you recollect seeing after you saw Mr. Harcourt?

*A.* That is, the first man I met that I would have any conversation with about this?

*Q.* Yes?

*A.* I do not recollect.

*Q.* Do you recollect to whom you first told the fact that Mr. Harcourt had pooh-poohed the idea of the Coalition?

*A.* I don't know as I told it to anybody.

*Q.* Sure?

*A.* Pretty sure, because I do not generally tell what takes place.

*Q.* Will you go so far as saying quite sure?

*A.* Well, I think I can; I think I did not say so to anybody that I remember of, not before this trial came on, any way.

*Q.* Well, without mentioning Harcourt's name, when you next met the boys did you say anything to them about the Coalition being out of the question?

*A.* Do you mean my boys or which?

*Q.* I do not know who your boys are?

*A.* Well, you ought to, they are very fine boys.

*Q.* Do you remember to whom after meeting Mr. Harcourt you said this Coalition was out of the question, or words to that effect, without mentioning Mr. Harcourt's name?

*A.* I do not remember anybody.

*Q.* Now I ask you whether, without mentioning Mr. Harcourt's name you said to any person this Coalition could not be carried on, would not be carried, or words to that effect?

*A.* I do not think I said it to anybody.

*Q.* Did you go the House after you met Mr. Harcourt, or before?

*A.* I told you I met Mr. Harcourt at the House before I saw him at the Rossin House.

*Q.* As a matter of fact do you recollect whether you told any of the boys that this Coalition could not be carried?

Mr. Meek.—I submit it is hardly due to the position of a Counsel acting on behalf of the Crown to examine a witness in this sort of way; for instance, acting as Mr. Blake is, as Counsel for the Crown, it is not the proper course to badger a witness or to put words in his mouth as Mr. Blake is doing.

The CHAIRMAN.—I have not noticed anything of the kind, badgering or putting words in the witness's mouth; the witness seems pretty well able to understand the questions.

Mr. MEEK.—I submit that this way of conducting the examination is unprecedented on the part of the Crown—this badgering of the witness.

The CHAIRMAN.—I have not observed it.

Mr. BLAKE.—The observation of my learned friend must have arisen from his not observing closely, what originally goes on in Court.

The CHAIRMAN.—The object is to ascertain what the witness knows; I do not think Mr. Blake is going any further than he is justified in trying to do that.

Mr. MEEK.—There is a well understood rule for conducting cases by Crown Counsel, and I think Mr. Blake has overstepped the limit.

The CHAIRMAN.—I do not think so.

WITNESS.—Go on, Mr. Blake, I want to answer your questions and go home; I will try and protect myself—tell you all I know about it and go home.

Mr. BLAKE (To witness).—*Q.* You repudiate the badgering?

WITNESS.—*A.* Oh no, I do not.

Mr. BLAKE.—*Q.* You must admit that I have helped you a good deal in your evidence in the box, to this conversation with Mr. Harcourt, and what took place, you have been wonderfully refreshed; and now, do you recollect what day it was you had this meeting at the Rossin house?

*A.* I do not.

*Q.* You left here on Saturday—now, would it be on Friday?

*A.* I think it would be either the Thursday or the Friday—I think I can say that.

*Q.* And therefore if that was so, you must have been at the House either on the Wednesday or the Thursday, that is, if you were at the House before you saw Mr. Harcourt?

*A.* I have given evidence to that effect; of course I am not positive whether I saw Harcourt at the House or not, but my memory is that I met him casually in the corridor, and shook hands with him; afterwards I called upon him at the Rossin, either on the Thursday or Friday, I think.

*Q.* And do you recollect whether these meetings that you have spoken of with the members were prior to this conversation with Mr. Harcourt or after?

*A.* Which meetings?

*Q.* You stated that you saw Mr. McKim, and you think shook hands with him, and you mentioned that you spoke probably to the members of the Government, and all that, and I ask you whether your meetings with any of these members were after you had been speaking with Mr. Harcourt at the Rossin House, or prior to that?

*A.* I think when I spoke to Mr. McKim and those gentlemen I spoke of here, I think it was previous—when I was up at the House. It must have been.

*Q.* Do you recollect, then, after your conversation with Mr. Harcourt, meeting any members of the House that you can recollect?

*A.* I have no recollection particularly.

*Q*. And you have no recollection therefore of having mentioned to any one any idea about this Coalition Government?

*A*. No, I am satisfied, whatever conversation took place between Harcourt and me, that I did not mention it to anybody, because there was nothing to mention.

*Q*. Except what you have stated?

*A*. There was nothing in that.

*Q*. Well, it was some repudiation of this idea of a Coalition Government?

*A*. Yes.

*Q*. Have you known Mr. Harcourt any considerable time?

*A*. Yes, known him for years, ever since he was a boy.

*Q*. And he did not say anything in that conversation to lead you to suppose that he was anything but loyal to his Government and his party?

*A*. He did not mention his loyalty. He pooh-poohed the idea.

*Q*. Was there anything in his conversation except pooh-poohing the idea?

*A*. We did not say anything about loyalty to the Goverement or his party. He pooh-poohed the whole idea.

*Q*. During the conversation, was there anything that took place between you excepting this pooh-poohing the idea of a Coalition Government?

*A*. No, except what I have told you.

*Q*. And no assent on his part, and no disloyalty on his part to Mr. Mowat?

*A*. No.

The Commission took recess at 1.30 p.m.

The Commission resumed at 2.30 p.m.

JOHN MORRISON GIBSON, called by Mr. Blake, and sworn.

Q. You are a member of the Legislative Assembly of Ontario for Hamilton, Mr. Gibson?

*A*. Yes sir.

*Q*. And have been so for what period of time?

*A*. Since 1879.

*Q*. Were you present at the last session of the Legislature?

*A*. Yes sir.

*Q*. During the whole of the major part of the session?

*A*. Present during the whole session—of course absent occasionally.

*Q*. You were there during the first two weeks of the session?

*A*. Yes sir.

*Q*. Did you hear any talk of any member being approached during the earlier portion of the session?

*A*. Yes.

*Q.* About how long after the 23rd of January would that be?

*A.* That was the opening day, was it?

*Q.* Yes, the 23rd was the day that the House opened?

*A.* During the debate on the Address I understood there were advances being made.

*Q.* Was there any advance made towards one of the members for Hamilton?

*A.* There is only one member for Hamilton. I do not know that I could say there was an advance made. A member of the Opposition spoke to me.

*Q.* An approach preceding an advance?

*A.* I do not know.

*Q.* Well, a little conversation?

*A.* A member of the Opposition suggested to me the desirability of some of the Government side of the House uniting with Mr. Meredith.

*Q.* Mr. Gillmor has given us the dates—the 23rd of January the opening, the 6th of February the first vote?

*A.* This was on Friday of the first week.

*Q.* Do you remember the day of the week the House opened, for we have not got that?

*A.* I do not.

*Q.* At all events, it was on Friday of the first week?

*A.* I can tell you why I recollect that so well. The reason is that after the conversation, I immediately went into the House and asked Mr. Hardy if the debate would be continued over till Monday. He said yes, and I replied, "Because I want to speak on the Address," a thing I was not in the habit of doing in previous years.

*Q.* Then, where was it that the advantage of a Coalition was presented to you?

*A.* In the smoking-room.

*Q.* And by what member was it?

*A.* Well, I would rather not mention the name if it is not material. He was certainly a pronounced member of the Opposition.

*Q.* Of the Conservative party?

*A* Yes.

*Q.* And did he alone speak to you upon the advantage of a Coalition?

*A.* While he was speaking to me Mr. Bunting came into the smoking room, sat down with us, and the gentleman then left, leaving Mr. Bunting and me together.

*Q.* The gentleman left, and left only Mr. Bunting and you?

*A.* Yes. What took place between me and Mr. Bunting amounted merely to his expressing the opinion that the time had now arrived when parties should unite in this Province—that there were no dividing questions—no questions upon which parties need stand divided or in the same position of antagonism as previously, the Boundary Award being in a fair way of being settled. I disputed what he said, by stating that I considered that in the matter of Provincial rights there certainly was an important question upon which the parties were opposed to one another.

*Q.* And did he suggest to you that the Coalition should extend to the Ottawa Government as well as to the Ontario?

*A.* No.

*Q.* Did you suggest it to him?

*A.* No. The conversation between Mr. Bunting and myself was very brief. He appeared to take up the conversation at a point where the other gentleman left off; and, not wishing to discuss the matter with him, I said, "I think the Speaker is in the chair," and I left and went into the Chamber.

*Q.* Then did you hear of efforts being made, or probabilities or possibilities as to certain members being approached?

*A.* Yes.

*Q.* How long did that last from the opening of the session?

*A.* Well, I think it lasted until nearly the day of the vote on the Address. I am not sure whether it lasted until the end of the debate or not. I think before the vote was actually taken there was a cessation.

*Q.* But you think it came nearly up to that period of time?

*A.* Yes. We certainly considered that we were being beseiged. I, as one of the members of the Government party, had that idea.

*Q.* You thought you were travelling from Jerusalem to Jericho until about this time, and then you thought you were in better ground, and that continued how long, the idea of cessation?

*A.* Until that first vote was taken.

*Q.* How long did it continue after that vote?

*A.* Until near the end of the session—that is to say, from that time till near the end of the session there appeared to be no serious efforts made to create a diversion.

*Q.* The announcement by the Attorney-General was made on the 17th March. How long preceding the 17th March had these advances been renewed?

*A.* I could not say precisely. You mean such advances as those made to McKim, Balfour, and so on.

Mr. Blake.—Yes.

*A.* I could not say precisely, but several days before that I knew about these things being done.

*Q.* So far as you yourself are personally concerned, was there any further advance made?

*A.* I had a talk with Mr. Kirkland, or he had a talk with me, in the Rossin House, where both he and I were staying. He was there during the whole of the session, or nearly the whole of the session, and of course I met him there frequently.

*Q.* About how long before the 17th was it that you had your talk with him?

*A.* I could not say, but I think it must have been two or three days before that.

*Q.* And what was the statement Mr. Kirkland made to you?

*A.* Mr. Kirkland took me aside in the hall of the Rossin House, and said he wanted to ask me whether such a thing would be possible as that a member who received a fee for making a speech on a question of policy, on behalf, for example, of another member of the House who did not feel able to speak. He said that on the other side such things were quite in order. I am not using his precise language.

*Q.* When you say the other side, do you mean the other side of the House, or the other side of the line?

*A.* The other side of the line. I said that such a thing in this country was unknown, or were anything of that kind to occur, that people were apt to get into trouble. And he then said, that supposing I made a speech in favor of a timber policy resolution, even though I voted in whatever way I might like, and a counsel fee were offered of one, two, three, four, or even five thousand dollars, would there be anything very wrong in that? These are nearly his words.

*Q.* Was it an abstract question of morals he was presenting to you?

*A.* My answer was, I said, "Mr. Kirkland, to entertain any such idea would simply mean to kill one's reputation as a politician forever in this country?" He accepted that as a sufficient explanation of my views, and there was little or nothing more said on that occasion.

*Q.* Did you meet him again?

*A.* I saw him, of course, from day to day. I cannot say that I met him to have a conversation with him about that matter.

*Q.* Was Mr. Bunting frequently at the House during the first couple of weeks of the session?

*A.* Yes.

*Q.* When you say frequently?

*A.* I mean unusually frequently.

*Q.* Did you know Mr. Wilkinson?

*A.* No.

*Q.* Mr. Meek?

*A.* I have seen Mr. Meek in Court.

*Q.* You were not introduced to him as the Solicitor of the party?

*A.* No.

*Q.* Then had the Government a definite timber policy, Mr. Gibson?

*A.* They had a policy, but not a policy of that session, that I am aware of.

*Q.* But still it was a policy of the session preceding?

*A.* Oh, they had a permanent timber policy.

*Q.* And did Mr. Kirkland so present his scheme as that you would say that it was opposed, inimical to the Government policy?

*A.* Not on that occasion. In previous conversations with Mr. Kirkland, he had explained to me what he wanted.

*Q.* So that you had previous conversations with him?

*A.* Oh yes, of a casual nature.

*Q.* And he had presented what he wanted, and had you avowed what your feeling was?

*A.* Well, I cannot say that I had given the matter any particular consideration. There were some of Mr. Kirkland's views which appeared to me reasonable enough—that is, views which might be reasonably urged to the Government in favor of a change in their policy—there is no doubt of that.

*Q.* But what was your view of the scheme as a whole, as compared with the policy of the Government?

*A.* I do not know enough about the matter to have a view worth calling a view.

*Q.* Then these were the only occasions on which there was anything said to you as to the coalition or voting?

*A.* Those were not the only occasions. I have been spoken to on other occasions by Conservatives, but not around the House. I have been spoken to on several occasions by Conservatives in Hamilton, for instance, in this way: "There is going to be a change of Government, and we want you to go in with Mr. Meredith."

*Q.* Was that during the session?

*A.* Yes.

*Q.* Did Mr. Bunting or the other gentleman who spoke to you go as far as to mention who were to be the members of the Coalition Government?

*A.* No. Mr. Bunting did not go into any particulars about the Coalition Government. The gentleman who spoke to me before he did, had the principal part in that conversation. Mr. Bunting sat down, and the other gentleman left. Mr. Bunting then commenced to speak about the desirability of a change in this Province, instead of party lines being so severely drawn, and so on. I differed from him in some of the views expressed about the occasion of the separation of parties, and then got up and left, and that was about the whole thing.

*Q.* And these were the only persons about the House that spoke to you about the coalition, and this is the only offer that was made to you in connection with it?

*A.* Yes.

*Q.* And the only offers you are aware of personally having been made?

*A.* Yes, personally. Of course I had heard. I was aware of what was going on. I was one of those who knew of the approaches made to the other members of the House immediately after they were made and before the announcement in the House. There were members on the Government side besides the members of the Government who knew what was going on, and I was one of those who advised that matters should be allowed to take such a shape that it might be considered tangible enough to take hold of it.

By Mr. MEEK.—*Q.* I just want to ask you one question. You say one of the members spoke to you, whose name you do not want to divulge?

*A.* I would rather not divulge it.

*Q.* I merely wish to ask: it was not any of the parties who are accused in this Commission of inquiry?

*A.* Oh, no.

*Q.* And you say that gentleman did all or nearly all the conversation?

*A.* Yes, I think I have given the substance; I think I have given the purport of the whole conversation both of him and Mr. Bunting.

*Q.* I never met you, Mr. Gibson, until to-day?

*A.* No, I do not think we have been introduced. I have seen you in Court on more than one occasion.

By Mr. CASWELL.—*Q.* Do you think it wrong for a member to speak to you in that way?

*A.* No, I do not see anything serious in that.

*Q.* You would not think it wrong for a politician on the other side to speak to you if he was in favor of a coalition and he could convince you there would be one gained?

*A.* Certainly.

*Q.* There would be nothing wrong in that?

*A.* Certainly not. I did not consider it wrong. I would have remained with Mr. Bunting but that I thought there was a general movement along the whole line.

*Q.* Besides Mr. M'Kim, Mr. Balfour, and Mr. Dowling, these three, have you heard of any others who were approached in the way of offers of money or otherwise?

*A.* Dr. Cascaden, I heard, was approached.

*Q.* Yes, he is the other; well, besides those four?

*A.* I do not know that I have.

*Q.* So that it was not a very general thing along the line; it was confined to those four, so far as you know?

*A.* Yes, that kind of an attack.

*Q.* I suppose the other offers were not more than such as were made to you?

*A.* I do not know.

*Q.* Well, so far as you understood?

*A.* Probably.

*Q.* You say the conversation with Mr. Kirkland took place in the hall of the Rossin House?

*A.* Yes.

*Q.* He did not offer you any money, did he?

*A.* Oh, no.

*Q.* He was just asking you if such a thing was allowed in this country?

*A.* Yes.

*Q.* And you answered him as you said, and the matter dropped, I suppose?

*A.* The matter dropped.

*Q.* Previously, you say, he had mentioned the change he proposed in the timber policy to you?

*A.* Yes, I knew what he was desiring to secure.

*Q.* You understood, I suppose, that it was not a change simply in his own interest?

*A.* Oh, I do not suppose he would expect the Government to make a change of policy simply to meet his individual views.

*Q.* Well, did he seem more anxious to have the matter discussed than to have a view taken on the matter?

*A.* He was anxious to do something or other; he had been there the whole session without doing anything, and he did not want the session to close, I think, without having some rumpus or other on the timber question.

*Q.* More in the nature of a discussion; he did not want any further trouble?

*A.* I do not think he wanted such a *denouement* as took place.

*Q.* You do not know that he wanted anything more than the matter discussed

*A.* He made use of strong language sometimes about the obstinacy of the Government.

*Q.* One member of the Government, wasn't it?

*A.* I suppose one member of the Government meant the Government, if that member had charge of the department he was seeking to influence.

*Q.* But did he speak personally in that way of any member of the Government, except this one?

*A.* No.

The CHAIRMAN.—That is Mr. Pardee, I suppose?

*A.* Yes, my lord.

Mr. CASWELL.—Did he explain to you the nature of the change he desired?

*A.* I think he did partially sometime during the session.

*Q.* Could you tell us?

*A.* No; I could not tell you accurately, at all events, and I would rather not tell you at all.

Mr. MEEK.—You say, Mr. Gibson, that you heard that Dr. Cascaden had been approached. When did you hear that?

*A.* I heard that from Dr. Cascaden, I think, on the Monday evening after, I think, on the very day that he was approached first.

*Q.* Can you tell me about the time he told you?

*A.* No, I cannot, but I would say almost certainly that it was either on the Monday or the Tuesday, and I will tell you the reason why.

*Q.* As a matter of fact, you do not know whether he was approached or not?

*A.* Oh, no.

*Q.* I am simply asking when he told you?

*A.* I think it was shortly after I finished my speech on the Monday afternoon.

*Q.* When was that?

*A.* The first Monday of the Session.

Mr. BLAKE.—Wednesday is the 23rd of January.

WITNESS.—My recollection is that I spoke on the address on the following Monday, that is, the first Monday in the Session, and either on that same day, or perhaps the next day, Dr. Cascaden told me.

Mr. Meek.—*Q*. That would be the 28th or 29th of January?

*A*. Yes.

*Q*. And you are positive that is the time?

*A*. I would not be very positive, but I think it was shortly after I had spoken that he spoke to me and told me.

*Q*. Then he did not speak to you until after you had made your speech?

*A*. No.

*Q*. Did he give a reason why he spoke to you?

*A*. Yes.

*Q*. What was the reason he gave?

*A*. The reason was that while I was speaking he went out, and Mr. Bunting came out to where he was—I think there were some others there also—and that Mr. Bunting had stated to him that I was making a thoroughly independent speech, as probably the opening remarks of my speech might indicate.

*Q*. Well, I suppose it was an independent speech, it was giving your own views?

*A*. Yes, but independent, I suppose, in the sense that I might not be considered a servile supporter of the Government. And then he related what had taken place between him and Mr. Bunting, and stated when he came into the House that I was delivering myself in the true orthodox style of a true Government supporter, or words to that effect.

*Q*. Will you try and recollect, Mr. Gibson; will you tell me what he did tell you?

*A*. I cannot tell you precisely what he told me.

*Q*. I mean apart from the evidence; this evidence has been printed a good many times?

*A*. I have read the Doctor's evidence.

*Q*. A great many times?

*A*. No, I read it once, and that accorded with my recollection of what he said at the time I read it, but I am not going to attempt to repeat to you now verbatim what he said to me.

*Q*. Did he tell you where it had occurred?

*A*. I think he said in the refreshment room.

*Q*. Of the House of Assembly?

*A*. Yes.

*Q*. Did he say that any person else was present?

*A*. Yes, there was some one else present, I do not remember who it was. I am not certain whether it was not yourself; I am inclined to think it was you and Mr. Bunting

*Q*. I mean did he say there was any person else present besides Mr. Bunting?

*A*. I do not remember.

*Q*. Did he have a long conversation with you about it?

*A*. No, not very long; I do not think I was the only party to the conversation; I think there were several of us standing around.

*Q.* Who were the other parties who were standing around?

*A.* I do not know; I do not remember.

*Q.* Was he joking about it, or did he treat it as an earnest matter

*A.* He seemed to be pretty indignant

*Q.* He has usually that manner of expressing himself, has he not

*A.* No, he is rather pleasant.

*Q.* Is he?

*A.* Yes.

*Q.* That is your experience of him?

*A.* I think the Doctor has rather a pleasing style of address.

*Q.* Did the Government, after these remarks had been made to you—did any of them tell you to proceed?

*A.* No, I did not state before, but I want to state that I immediately informed one of the members of the Government of the convesation that took place between Mr. Kirkland and myself towards the end of session.

*Q.* And that member of the Government did not ask you to go on?

*A.* No, he did not.

*Q.* And if he had, should you have gone on?

*A.* No, I certainly should not.

Mr. Blake.—*Q.* You say Dr. Cascaden came in, and what was it he mentioned to you?

*A.* He mentioned to me what had taken place out of the Chamber while I was speaking, as I understood,

*Q.* Something that had taken place between Mr. Bunting, Mr. Meek and yourself?

*A.* Yes, I am pretty sure Mr. Meek was one of them—certainly the Doctor, and Mr. Bunting, and I may say certainly also Mr. Meek.

*Q.* And he came in in an angry tone?

*A.* Yes, repeated that he had used very violent language when he left them—that he left suddenly.

*Q.* Then you say that Mr. Bunting was more frequently at the House than usual, he had been to the House other sessions?

*A.* I certainly so considered it.

*Q.* And it was in reference to his attendance at other sessions that you say more frequently?

*A.* Yes,

*Q.* And when you say more frequently, what do you mean?

*A.* I mean to say that Mr. Bunting seemed to be taking a very special interest in the House at the beginning of the session, and that his interest waned very much, and then towards the end of the session I thought his interest was renewed; I think any member of the House must have noticed it.

*Q.* You do not seem to be quite certain as to whether you spoke on the first or the second Monday?

*A.* Now, I might be mistaken about that; it certainly was on Monday; I do not know now how long the Address lasted.

*Q.* It lasted until the 6th—there was nothing done on the Wednesday when the House opened, or on the Thursday?

*A.* Now you have spoken, I think it must have been on the second Monday; quite a number had spoken, and I did not intend to speak.

*Q.* Monday was the 4th of February, and that as a matter of fact is the day on which you did speak?

*A.* The papers will show, I suppose.

THE CHAIRMAN.—Dr. Cascaden said that the approach was made on the 28th or 29th of January, and if he told Mr. Gibson immediately after, and that would be the first Monday.

WITNESS.—The reason I say it was Monday was because I enquired of Mr. Hardy whether the debate would last until Monday, and I know I spoke as soon as I got the opportunity on Monday afternoon.

Mr. BLAKE.—Did Dr. Cascaden speak to you twice upon the subject of his being approached?

*A.* I fancy he spoke to me on more than one occasion, but I have been referring to the first occasion he spoke to me.

Mr. MEEK.—I think that is hardly fair to suggest to the witness about speaking twice.

The CHAIRMAN.—That is no suggestion.

Mr. BLAKE.—I ask him whether he did as a matter of fact.

Mr. MEEK.—The object of it is very clear; he has stated what you think to be wrong, and you want to correct him.

Mr. BLAKE.—No, I do not know whether it is right or wrong, but all I ask is whether Dr. Cascaden had spoken to you more than once or not upon what had occurred.

WITNESS.—Yes, certainly; I have no doubt he spoke to me half a dozen times.

*Q.* Correct me if this is incorrect—that on the day you spoke on the Address Dr. Cascaden told you that Mr. Bunting had on the same day spoke to him, and that he had parted from him angrily?

*A.* Yes; I do not say whether it was the first or second Monday.

Mr. MEEK.—Are you also positive that Dr. Cascaden mentioned that Mr. Bunting and Mr. Meek were present, and some others?

*A.* I do not know about some others.

*Q.* But Mr. Bunting and Mr. Meek?

*A.* Yes.

*Q.* You are very positive about that?

*A.* I have been saying every time that I have spoken about this, I am pretty certain Mr. Meek—Bunting, certainly—and as to whether he said some others, I won't say.

*Q.* Are you now sure, or are you not, that was on the first or second Monday of the Session?

*A.* No, I am not absolutely sure.

*Q.* And you are not sure whether you heard all of the story from Mr. Cascaden on the first occasion or on some subsequent occasion?

*A.* Oh, I do not know whether I heard it all or not.

*Q.* All the story of his being approached?

*A.* I would not say I heard it all; I heard the substance of it, I think.

*Q.* Are you sure about that?

*A.* Well, I do not know that I am sure of that, because it is very difficult to say what constitutes substance and what does not in such a matter.

*Q.* Well, was it about the conversation between you and Mr. Bunting that he told you on the first occasion, or was it his conversation with me—I wish you to try and recollect and tell me which it was?

*A.* I do not remember whether he made any distinction or not as to with which of you his conversation took place; I think he must have done so, but I do not pretend to give you the occurrence.

*Q.* You cannot recollect which it was, or whether it was both?

*A.* Or whether it was both.

*Q.* But your impression is that he coupled two of us together in that interview?

*A.* I think that both were spoken of.

*Q.* As having been together?

*A.* Well, I am not going to be any more emphatic than I have been about it. I told you my recollection.

*Q.* But I do not quite understand whether you mean that he spoke of Mr. Bunting and myself being present at the time Mr. Bunting spoke to him, and that that is what he spoke to you about on the first occasion he did speak to you?

*A.* He certainly spoke of Mr. Bunting speaking to him, and you being there also—I do not know whether you being there, or you coming there.

*Q.* That is what he did speak to you about in the first conversation?

*A.* Yes.

*Q.* And do you remember any other occasion on which he spoke to you?

*A.* He spoke to me several times about it, but these conversations were of a casual nature—I did not burden my memory with what he said about it.

*Q.* When you say he was indignant, was the indignation in reference to Mr. Bunting and myself?

*A.* I do not know. The idea he gave me was this, that either you or Mr. Bunting on the occasion in question were approaching him, or wanting to influence him improperly, and that he immediately made use of strong language, and turned his back upon you and left. That is the impression I have.

*Q.* And the impression on your mind is that he had reference to me?

Mr. Blake.—You do not assent to that, Mr. Gibson?

*A.* Oh no.

Ephraim George Sills, called by Mr. Blake, and sworn:

*Q.* You are a member of the Local Legislature for West Hastings?

*A.* Yes.

*Q.* And you were a member during last session?

*A.* Yes.

*Q.* Did you hear of any advances being made to any members supporting the Government?

*A.* Well, of course I heard general rumors of advances being made to members, but nothing positive, nothing which I could call tangible until, I think, the 17th of March, when it was announced.

*Q.* Were there any advances made to you?

*A.* Well, there was a member of my constituency, a Conservative, who requested me to vote against the Government, giving as a reason that there were sufficient of our friends who would vote against the Government to defeat them, and as a friend of mine he did not wish me to be in a false position, as he thought.

*Q.* In a position to throw your vote away?

*A.* Yes.

*Q.* Would you care about giving the name of this friend?

*A.* No. I at once told him when he made that suggestion, "Well, I cannot advise you to say anything further."

*Q.* That was your answer?

*A.* Yes; I advised him to say nothing further; he said also, it would be an advantage to me in another election.

*Q.* Did he state what kind of an advantage?

*A.* Well, it would give me support that I did not get at the last election.

*Q.* About what date was this?

*A.* It was the night, if I remember, that the vote was taken.

*Q.* The vote was taken on the morning of the 6th?

*A.* Yes, this was the evening of the 5th.

*Q.* It was getting near the vote?

*A.* Yes; I told him I would not vote against the Government on the Address at all events.

*Q.* From that time onwards were you aware of anything further in the shape of advances?

*A.* Well, there was another party who asked me to vote for a certain resolution to be introduced in the House regarding the timber policy of the Government; I asked him the nature of the change which was proposed, and he said he could not tell me; well, I said then it is very singular to ask me to pledge my vote on a subject which you do not know would be beneficial or detrimental to the province.

By the CHAIRMAN.—It was to be given against the present timber policy of the Government?

*A.* Yes.

By Mr. BLAKE.—*Q.* What was the reply to that?

*A.* He said, well, I cannot pledge you the party vote, but I will pledge you my own support and influence for another election.

*Q.* Was that the same member of your constituency?

*A.* No, it was another.

Q. A Conservative?

*A.* Yes.

*Q.* And he was to pledge his own vote if you would assist?

*A.* Yes.

*Q.* Was there any further approach?

*A.* Nothing further. Of course the party referred me—he said if I wanted further evidence as to his sincerity he would refer me to other members of the party who would endorse what he said.

*Q.* About what date was that?

*A.* This was somewhere about the last of the session—I think the last week of the session.

*Q.* Was it before the 17th of March?

*A.* Yes, it was the week preceding the 17th of March.

*Cross-examined by Mr. Caswell:*

*Q.* This person—of course I do not ask any of these names—was not any of the persons charged?

*A.* No, I am not at all acquainted with any of the parties except Kirkland, with whom I had a little acquaintance. I did not know the others, and do not know Bunting even by sight. Mr. Meek I did not know until to-day.

*Q.* Well, I suppose there was nothing wrong in a man asking you to change your vote? Did you consider it so?

*A.* Well, I considered the manner in which it was put, that he meant to defeat the Mowat Government.

*Q.* Well, I suppose any change of vote from the Government side to the other would approach that?

*A.* Yes.

*Q.* But I am not asking you to change your vote, but would you consider it wrong

*A.* Well, under the circumstances, I did not consider it any great compliment.

*Q.* Suppose you went to a man who had hitherto opposed you in your constituency, and asked him to support you, would that be a great injury to him?

*A.* There is a difference. I was elected by 1,500 men, while that would be simply one. I would be selling my whole constituency, while I would be asking him perhaps as a personal favour to me.

*Q.* Would not any elector in your county have a right to ask you to vote for or against any particular measure, and you would not feel insulted?

*A.* Not if it was done in a manner which I did not consider would be betraying my trust.

*Q.* You haven't mentioned anything except that the second gentleman offered to give his vote for yours?

*A.* There is more in that second case than I feel at liberty to state.

*Q.* You consider it different from asking an elector to change his vote?

*A.* Yes, from the fact that I was elected to support a certain policy.

*Q.* Do you understand when you are elected that you are simply elected to support the Government?

*A.* No; but if any policy does not recommend itself to me as being beneficial to my Province, then I feel I have a right to change my vote.

*Q.* And vote against the Government if you do not approve of them?

*A.* Certainly.

*Q.* You would feel at liberty to do so?

*A.* Certainly.

*Q.* And surely a man is not elected to support a particular Government?

*A.* Oh, no; but when he is elected by his constituency he is supposed to carry out the views of his constituents. In that election they said by electing me that they considered that the policy of the Government, as indicated in the boundary award, the Streams Bill, and other public matters, were right, and on those terms I was disposed to support them.

*Q.* Then of those public measures, the timber policy was not discussed at all?

*A.* Yes, to a certain extent.

*Q.* To what extent?

*A.* To this extent: that it was contended by the Conservative party that a certain amount of the timber should be left on the land for the settler. The Reform party contended that there was enough after the lumbermen took what was sufficient for shipping, for all the settler required, and at the same time the settlers have a right to take all they require for any purposes they want for five years.

*Q.* On that particular point there was a difference of opinion?

*A.* Yes.

*Q.* But in reference to selling the timber along with the soil, was that question up?

*A.* No.

*Q.* Well, if that matter were brought before you?

*A.* Well, if it were brought before me, I would feel at liberty to consider whether it was in the interest of the Province or not.

*Cross-examined by Mr. Meek:*—

*Q.* As a matter of fact, you do not know who elected you; Conservatives may have elected you?

*A.* I certainly received a large number of Conservative votes, for which I am very thankful.

*Re-examined by Mr. Blake:*—

*Q.* What was the first proposition made to you as to your vote?

*A.* Well, I was asked to vote against the Government on these grounds: that there were sufficient of our own friends who intended to vote against the Government to defeat them. He wished me to vote with the Opposition, as he said he did not wish me to be buried in the ruins; that there had been charges made against the Government, which could be substantiated, and that no honourable man could support them if these charges were proved.

*Q.* Did he present anything further to you, anything about a seat in the House of Commons, on that occasion?

*A.* There was something said, but it was so indistinct that I really could not say positively that it was so. Knowing the man to be a personal friend I just stopped him there, and said "I do not want you to go any further."

William C. Caldwell, called by Mr. Blake and sworn.

*Q.* You are a member of the Local Legislature?

*A.* Yes.

*Q.* For what constituency?

*A.* North Lanark.

*Q.* Were you during the last session of the House?

*A.* Yes.

*Q.* Did you see Mr. Kirkland about the House?

*A.* Yes.

*Q.* Where did you board?

*A.* At the Rossin House.

*Q.* Did you see him frequently?

*A.* Yes, I saw him very frequently there.

*Q.* And at the House of Assembly?

*A.* Yes, occasionally, but at the Rossin House I saw him almost every day.

*Q.* Was he there during the whole session?

*A.* Yes, I think so.

*Q.* Had you ever any conversation with him?

*A.* Yes.

*Q.* You are in the timber business?

*A.* Yes.

*Q.* Had you any conversation with him on the timber policy or the timber business?

*A.* Yes, he spoke to me about the present timber policy.

*Q.* On more than one occasion?

*A.* Yes, on different occasions.

*Q.* Was there on the part of the Government a defined timber policy?

*A.* Yes, but what Kirkland wanted was a change in the Mining Act. He spoke to me about timber lands being near Port Arthur and that section, and he said the pine was small and not of a very good quality, and there was no soil of any account; it was mostly rocky and covered with moss, and as there was a great deal of mining in that section the miners in making examinations over the country would make fires, and these fires were left to run over the country and destroy the timber. He thought the Act should be amended so that the Government should sell the timber along with the land: that it would be better in the end for the Government and the country.

*Q.* You discussed that with him?

*A.* Yes, he spoke to me about it. My opinion was that the present policy was the best.

*Q.* That is the policy of the Government as it stood?

*A.* Yes, a license policy.

*Q.* Did he ever say anything to you about a resolution being introduced in the House on the point?

*A.* I think he said if the Government would not agree to that, a resolution might be introduced, or would be introduced, I do not recollect which, asking that the Act should be amended.

*Q.* Did you say anything further about the resolution, and if so what?

*A.* I do not recollect particularly about Kirkland's saying anything more about the resolution, because further on in the Session, Kirkland and I did not meet so frequently—that is to speak.

*Q.* Did you hear of a resolution to be introduced?

*A.* I saw a resolution which purported to be one which would be introduced.

*Q.* About what period in the session did you hear that?

*A.* Well, that would be towards the end of the session.

*Q.* The 17th was the day the matter was made public: how long before that was it that you saw the resolution?

*A.* Well, it might be a week or ten days, possibly not so long.

*Q.* Somewhere in that neighbourhood?

*A.* Yes.

*Q.* In whose hands did you see it?

*A.* I do not recollect which of the members it was handed me the resolution, and asked me what I thought of it.

*Q.* Could not you think who it was?

*A.* I do think, but it would be just a ——

*Q.* What is your best thought on it?

*A.* Well, my thought might not be correct.

*Q.* Well, to err is human, but what do you think?

*A.* I think it was Mr. Lyon, the member for Algoma, who shewed me the resolution.

*Q.* Was that the resolution which carried out the intention of Mr. Kirkland?

*A.* It was to the effect that the lands should be sold under the Mining Act, conveyed with all the timber and land without reservation.

*Q.* And that was the thought that Mr. Kirkland had?

*A.* Yes, and I have told you the reasons he gave for it.

*Q.* Then no offer was made to yourself?

*A.* No.

*Q.* You do not know anything further about the matter than what you have mentioned?

*A.* Nothing more than hearsay.

*Cross-examined by Mr. Caswell.*

*Q.* Kirkland explained the change he desired?

*A.* Yes.

*Q.* You did not approve of it?

*A.* No.

*Q.* You are a lumber dealer in the eastern part of the Province, and have timber licenses from the Government?

*A.* Yes.

*Q.* So that your interest would not be the same as his, that is, you would not on business principles agree with him?

*A.* If I were to speak, as a lumber man, I would agree with him, for as a money matter it would be better for to purchase in that way than under the present system.

*Q.* Would his plan bring as much revenue to the Government?

*A.* I think not.

*Q.* Did he indicate any price at which he wanted the land sold?

*A.* Well, lands are sold now at $1 under the Mining Act. I do not recollect that any price was mentioned.

*Q.* Now, what is the highest price given per square mile under timber license at auction?

*A.* Well, the highest I ever paid was $1.50 per acre, and I had the dues to pay as well. I think they have been sold at $2 an acre, which would be $1,280 per mile. I have paid $1.50 per acre myself at auction.

*Q.* Which is about as low a price as you have heard of?

*A.* I really could not say, but I suppose it has been sold very low because there are some lands which are worthless.

*Q.* As low as fifty cents?

*A.* Yes, lower; there are lots of lands which are not worth that. There is this about his plan, that if you were buying mineral lands and timber as he desired, you would not be buying in blocks. If limits are put up as you buy, say 100 square miles, or a township of thirty square miles, at so much per mile for all the land in that block or township, but under the Mining Act you would pick out a piece of timber land and pay so much per acre.

*Q.* Well, you would have to make a survey at your own expense?

*A.* The Government have generally got these surveys made.

*Q.* Not under the Mining Act?

*A.* Yes, I have bought under the Mining Act, and they were surveyed.

*Q.* But take the unsurveyed districts such as these lands were; take those Townships of Pardee and Neebing?

*A.* Well, that coming under the Mining Act, would apply to the Province generally.

*Q.* But the Mining Act only applies to the Province north of the Mattawan?

*A.* I take that to be a mistake.

*Q.* Well, the Statute says so?

*A.* I have bought under the Mining Act in North Lanark.

*Q.* Does the Mattawan empty into the Ottawa below that point?

*A.* No, it would be north and west of where I am.

*Q.* You would be below where the Mattawan empties?

*A.* Yes.

*Q.* That may have been before the Statute was changed. You don't know anything about the survey?

*A.* No; if I, as a lumberman, was going to buy under the Mining Act, I would, of course, get the best timbered and buy it; if I buy at a sale I have to buy a whole block or township, and pay so much for the whole thing.

*Q.* But if you buy under the Mining Act, the Government would have the right to fix a price of not less than one dollar per acre under the present Act?

*A.* Yes, and they can make an upset price for the lands at sales as at present.

*Q.* Well, at present the settler has a very poor chance, but I suppose we had better not discuss that. Did Kirkland say anything about the Commissioner of Crown Lands?

*A.* He spoke to me about the second or third day that I was at the hotel, and a week or ten days afterwards; at all events, he gave me to understand that this was the only question that he came here for, that he came down to try to secure these lands and have this change in the Act; I said, "Kirkland there is no use in waiting for that, you can find it out in five minutes by going and seeing Pardee; there is no use in changing a policy we have had so long." I offered to go with him, and he said that a deputation was going on Saturday and asked me to go with them; I said I was going home and would not be back till Wednesday; he said he would wait, and I said no, for him to go in with the deputation, and find out for himself; when I came back I asked him if he had seen Pardee and he said no; I offered to go with him and Mr. Lyon, member for Algoma, but something turned up and Lyon did not appear; I spoke to Pardee myself, and he was very decided as to keeping the present policy; that there was no use in changing.

*Q.* He was not in favour of a change?

*A.* No; I told him what Kirkland wanted, and asked him what he thought of it.

*Q.* Naturally, you did not advocate it strongly?

*A.* I did not advocate it at all; I took the other ground.

*Q.* Kirkland never made any approaches to you?

*A.* No.

*Q.* And always acted in a gentlemanly way to you?

*A.* Yes.

*Re-examined by Mr. Blake:—*

*Q.* About what time was it when you saw Mr. Pardee, and he gave this definite answer to Kirkland and youself?

*A.* Well, it may have been three or four weeks after the House opened; I think it would be probably four weeks; it would be fully four weeks, because I went home before that time.

*Q.* Then he saw there was no use discussing a change with the Government?

*A.* I should say so, because Mr. Pardee was pronounced.

*Cross-examined by Mr. Caswell:—*

*Q.* Do you know in whose handwriting the resolution was which you saw?

*A.* No, it was handed to me, and I was asked what I thought of it; I asked who would be fool enough to bring it up in the House; I was not told the person, but it was to be brought up, it was said.

*Q.* Did Kirkland ever say to you to propose an Act to amend the Mining Act?

*A.* No.

*Cross-examined by Mr. Blake:—*

*Q.* Did you make any reply to Mr. Lyon about who was fool enough to bring the resolution up in the House?

*A.* No, I did not say it was Mr. Lyon; I did not swear it was Mr. Lyon.

*Q.* You think it was?

*A.* Yes.

*Q.* You opposed the policy proposed by Kirkland?

*A.* Yes.

*Q.* When did Kirkland first speak about it?

*A.* I think the next day after I arrived in Toronto.

*Q.* When did you arrive?

*A.* I think the day the House opened.

*Q.* Was Kirkland here then?

*A.* Yes.

*Q.* That would be the 24th or 25th January; when did Mr. Lyon speak about it?

*A.* What do you mean.

*Q.* The gentleman whom you think was Lyon—when did he speak about the resolution?

*A.* Well, that was towards the end of the session.

*Q.* Had you had any discussion with any person about it in the interval?

*A.* Well, I had spoken to Mr. Pardee, as I said, but there was no discussion.

*Q.* Personally, you thought there were some good points about the policy and seemed to be in favour of them?

*A.* No.

*Q.* You were in favour of a change?

*A.* No; I said that looking at my own interest as a lumberman I could make more money in that way, but if I made it, the country would not make it.

*Q.* That is what I say, personally you would be as a lumberman in favour of a change?

*A.* Well, if I answered in that sense it would be conveying what is not my meaning, I was not in favour of it.

*Q.* I am speaking as a business man who of course looks to his selfish interests; apart from your position as a member of Parliament, personally as an individual and a lumberman seeking to make money, you would be in favour of it?

*A.* No, I would not be in favour of it, I could say that I could make more money than under the present system; I do not say that I am in favour of a change.

*Q.* Well you do not want to make more money than you are making; you are making enough;

*A.* I think you are only catching me with words, I have told you my answer to the question.

*Q.* Is it so; I am putting the case plainly and not catching words; did you want to make any more money?

*A.* Not in that way.

*Q.* Do you think it would be a dishonorable way?

*A.* It would be for me, in the position I am, to advocate for myself pecuniarily what I knew to be against the interest of the Province.

*Q.* But if you were not a member of the House you would not feel the same as that?

*A.* I do not say what I would feel if I were not a member. I cannot say.

*Q.* Did you see Mr. Pardee more than once?

*A.* Not in reference to that.

*Q.* There was no offer made to you; no bribe or anything of that sort?

*A.* No.

*Q.* The only person who asked you to do anything was a member on your own side?

*A.* I did not say it was he; I say that there was a party who put the resolution in my hands and asked me what I thought of it; it might be Lyon, but I do not say positively that it was.

*Q.* It might be M'Kim?

*A.* No, it was not he.

Mr. Blake.—Those are all the witnesses who are present this afternoon, though we have subpœnaed others. We had a telegram from one that he would be here to-night, and others are expected to-morrow, but in the meantime we have none to go on with.

Mr. Meek.—I would like to be allowed some time for consideration and for consultation with counsel as to what evidence is to be put in, and then that we should have an understanding as to what time we might go on with our witnesses.

The Chairman.—I may say that it is not the intention of the Commission that there shall be any extension of time—any hiatus between the conclusion of the case for the Crown and the beginning of the defence. That was the object we had in view in the order as to the calling of the witnesses. There are some witnesses, of course, who are out of the country, and whose examination will have to be taken at another period; I see Mr. Mowat's name on the list, for instance.

Mr. Meek.—The Commission will see that it will be impossible for me to prepare a defence until I know what it is I have to reply to; I think I should have, as a party accused, an opportunity of considering what evidence I may offer.

The Chairman.—All the witnesses that you knew could be of service to you were to be named by the 4th July, and if, during the progress of the examination, you found it necessary to summon others, and you make that clear, then you had an opportunity of doing so; but it is not intended that, as a matter of course, there shall be a hiatus between the close of the case for the Crown and the opening of the defence.

Mr. Meek.—I do not ask an extension of time; I only say that I am not in a postion. It is impossible for me to say what answer I shall make until I know what I have to answer. I think under these circumstances I should have time to consider what witnesses to call.

The Chairman.—We do not intend that you should have time to consider, after the conclusion of the case for the Crown, what witnesses you should call, for you should have them here as in any ordinary case.

Mr. Blake.—I presume all the evidence for the Crown will be closed by Friday, and I mention this so that my learned friends may be ready to go on with their witnesses. I do not see that the case as to the calling of witnesses is very different to an ordinary case; and though it would be very agreeable for a defendant to wait until the plaintiff's case was through, and then ask time to get up his defence, he would not be allowed to do so.

The Chairman.—I think we must adhere to the rules that we laid down at the beginning.

Mr. MEEK.—There has been no such request made as my learned friend implies. There are four persons on the defence. Mr. Kirkland and I are the only persons represented, and I presume we will both be ready at the close of the case. I only ask for a little indulgence, and I will presume it will be given.

The CHAIRMAN.—We will be inclined to give you every indulgence, consistent with the proper and speedy prosecution of the enquiry.

At 4 p.m. the Commission adjourned to Thursday at 10 a.m.

## FOURTH DAY.

TORONTO, THURSDAY, JULY 17TH, 1884.

The Commission met at 10 a.m.

JOHN FRANCIS DOWLING, called by Mr. Blake, and sworn.

*Q.* You are a member of the Legislative Assembly ?
*A.* Yes.

*Q.* Representing what constituency ?
*A.* South Renfrew.

*Q.* You were present at the last session ?
*A.* Yes.

*Q.* You are a supporter of Mr. Mowat's administration ?
*A.* Yes.

*Q.* Were you present at the opening of the session ?
*A.* Yes.

*Q.* Was your election one of those that were protested ?
*A.* Yes.

*Q.* And a petition filed ?
*A.* Yes.

*Q.* Had you much of a contest in your constituency ?
*A.* Do you mean at the last election ?

*Q.* Yes ?
*A.* Yes.

*Q.* Were you more than once a member for South Renfrew ?
*A.* No.

*Q.* Well, the earlier election, was that strongly contested ?
*A.* Yes.

*Q* Had you any person from outside the constituency working in it ?
*A.* Yes.

*Q.* Was Mr. Wilkinson?

*A.* Yes.

*Q.* Did you know Mr. Wilkinson?

*A* I saw him at one meeting, in the audience, but I was not acquainted with him.

By the CHAIRMAN.—*Q.* Was he present at both elections?

*A.* No, I think only at the last.

By Mr. BLAKE.—*Q.* When did you first hear of any approaches being made to any of the supporters of the Mowat Administration?

*A.* I heard it at the commencement of the last session, but only by rumor. I had no personal knowledge.

*Q.* About how early in the session?

*A.* During the debate on the Address.

Q. That would mean between the 23rd of January and the 6th of February?

*A.* Yes.

Q. Were any approaches made to you?

*A.* Not at that time; there were commencing on the 13th March.

*Q.* Just state to the Commission will you; what was the commencement of the approach to you?

*A.* On the morning of the 13th March, Thursday, I think, Mr. Bishop and Mr. McKim came into my room and told me that I was wanted by Mr. Wilkinson at the Walker House.

*Q.* Where were you boarding?

*A.* At the Continental.

*Q.* What did you do upon that?

*A.* When they mentioned Wilkinson's name I thought it singular that he wanted me, and I told Mr. Bishop that I could not understand it. Bishop laughed, and said there was something going on which would surprise me. I refused positively to go, for I felt that if there was anything crooked I would not go. He said Wilkinson wanted to see me about the protest filed against me, and eventually I consented.

*Q.* The protest was still pending?

*A.* Yes.

*Q.* Where did you meet Wilkinson?

*A.* At the Walker House, down stairs in the office, and he took me up into his room.

*Q.* Was there anyone present?

*A.* No person was present but myself and Wilkinson.

*Q.* What passed between you?

*A.* Wilkinson commenced to talk about the protest filed against me, and also about there being great dissatisfaction among the supporters of the Mowat Administration.

*Q*. He mentioned the two things—dissatisfaction amongst the supporters of the Government, and also the protest?

*A*. Yes. He said I was likely to be disqualified, and mentioned some clause of the law, which I do not remember now.

*Q*. You would be personally disqualified, he said

*A*. Yes.

*Q*. What further?

*A*. He said then that some parties were anxious to overthrow the Mowat Administration, and if I would vote against the Government, those proceedings would be withdrawn against me, and they would also want me to resign my seat in South Renfrew for one of the members of the Coalition Government.

*Q*. Did he mention the forming of a Coalition Government?

*A*. Yes.

*Q*. Then the Government was to be defeated and the Coalition formed? And they said they wanted your seat for what purpose?

*A*. For one of the members of the Coalition Government.

*Q*. Was there any other offer to you?

*A*. He also stated that if I would resign and vote against the Government, all the expense in regard to those protest matters would be recouped.

*Q* Were any figures mentioned as to the extent they would go?

*A*. If I resigned my seat, he said, if I would vote against the Government, first I would get a couple of thousand dollars, and after I resigned my seat two or three thousand dollars, if I would not interfere against the members who ran.

*Q*. If you voted against the Government they would give you a couple of thousand dollars, and if you resigned your seat?

*A*. Two or three thousand more if I would not interfere against the candidate they would nominate.

*Q*. That is in case of a new election?

*A*. Yes.

*Q*. About how long did this discussion take place?

*A*. I think about half an hour; not more than half an hour, or from twenty minutes to half an hour.

*Q*. Did he make any other offer to you?

*A*. He wanted me then to go and see Mr. Bunting, and he would make arrangements with Mr. Bunting to meet me at three o'clock that afternoon; I refused to go.

*Q*. Why were you to go and see Mr. Bunting?

*A*. He said he would have the protest withdrawn against me; I asked him whether Bunting could do so, and he laughed and said I was not aware of what power Bunting had, or something of that kind.

By the CHAIRMAN.—*Q*. You refused?

*A*. I told him I would not go.

By Mr. BLAKE.—*Q*. He meant powers in connection with the withdrawal of the protest?

*A*. Wilkinson laughed when I said I could not see how Bunting could have it withdrawn: he laughed, and said I did not know the power he had.

*Q*. Had you spoken to Mr. Bunting before?

*A*. I had never seen him to my knowledge.

*Q*. Did you go and see Mr. Bunting?

*A*. I came down stairs, and I met Mr. Bishop.

*Q*. Who is Mr. Bishop?

*A*. The member for Huron.

*Q*. A supporter of the Mowat Administration?

*A*. Yes.

*Q*. You met him?

*A*. Yes, and Mr. M'Kim; I told Bishop what took place about Wilkinson wanting me to see Bunting, and that I would not go.

*Q*. What further passed?

*A*. We went to the House then, and I saw Mr. Pardee and Mr. Fraser.

*Q*. Did you go to the *Mail* office?

*A*. Yes, that afternoon.

*Q*. Was it arranged where you were to see Bunting?

*A*. Yes.

*Q*. Who arranged it?

*A*. Wilkinson.

*Q*. Arranged that you were to go to the *Mail* office?

*A*. Yes.

*Q*. And you went there?

*A*. Yes.

*Q*. About what time of the day?

*A*. About three o'clock in the afternoon.

*Q*. Just mention what took place from the time you went to the *Mail* office?

*A*. We went upstairs several flights into a room.

*Q*. Did you see Wilkinson there?

*A*. No.

*Q* How did you know where to go?

*A*. Wilkinson told me to take the elevator, and that a man would take me up and show me into the room.

*Q.* You did so?

*A.* Yes.

*Q,* And you were shown into his room?

*A.* Yes, I think Wilkinson told me that it was the first room to the right on the fourth flat, and I think the man who took me up showed me the room, but I am not positive.

*Q.* You saw Mr. Bunting?

*A.* Yes.

*Q.* Was he surprised to see you?

*A.* No, I didn't think so from his actions.

*Q.* What took place when you met him?

*A.* He took me down stairs into a room and commenced to talk about ——

*Q.* Did he know you?

*A.* I mentioned my name and he shook hands and then he said he wanted to have a conversation with me.

*Q.* What next?

*A.* He took me down stairs a couple of flights into a room and he commenced then to talk about the dissatisfaction existing amongst the members.

*Q.* Was the door shut during the conversation?

*A.* He locked it.

*Q.* He understood that there was a good deal of dissatisfaction?

*A.* Yes.

*Q.* Did he mention to you as to the school where you had been educated?

*A.* Yes, he asked me if I were educated in the Toronto School of Medicine, or if I was a graduate of that school or of the Toronto University.

*Q.* But you are a graduate of McGill?

*A.* Yes.

*Q.* What did he next say?

*A.* After talking about the dissatisfaction for a little while, I took up my hat and gloves and was going away, because I was a little surprised; I understood he was to talk about the protest. He asked me to sit down and then he began to ask me if there was not a petition filed against me.

*Q.* What did you say?

*A.* I said there was. He then commenced asking me if those elections and election expenses had cost me much, and if the party had assisted me to pay them.

*Q.* What did you answer to that?

*A.* I answered that I paid my own expenses. He appeared to be surprised at that, and mentioned something with reference to Mr. Fauquier, of Muskoka.

*Q.* What did he say?

*A.* He said that Fauquier was a young man like myself, and that his party had treated him differently from what my party had treated me, that they had paid his election expenses and the protest expenses, and had carried it to the Court of Appeal, and would carry it to the Supreme Court.

*Q.* He said his party had done that?

*A.* Yes.

*Q.* What further did he say to you?

*A.* He then said if I would assist in the formation of a Coalition and vote against the Government and resign my seat, they would recoup me for my election expenses, and also if I resigned my seat they could afford to give me two or three thousand dollars.

*Q.* They would recoup the expenses of the election and give you two or three thousand dollars; did he say he would do that? What was the word he made use of?

*A.* He said they would.

*Q*, Did the offer differ materially from that made by Wilkinson?

*A.* No, they were much the same offer.

*Q.* What did you say to that?

*A.* I said very little.

*Q.* Did you accept it.

*A.* No, I didn't accept it.

*Q.* Did you go and discuss the question further?

*A.* No, he talked nearly all the time; I was much surprised, and made two or three attempts to leave the office; he told me that there was no hurry, and that was the principal thing which took place.

*Q.* Then did you leave his office?

*A.* Before leaving, there was a rap came to the door, he unlocked the door and said to someone that he would be there in a couple of minutes, and a few minutes afterwards I left; he said if I wanted to see him to drop him a private note and he would go and see, or meet me at any place.

*Q.* Did you see Mr. Bunting after that?

*A.* No, I never saw him aftewards.

*Q.* Did you see Wilkinson after that?

*A.* Yes, I saw Wilkinson after that.

*Q*, How long after this interview?

*A.* I think I saw him the next morning.

*Q.* Was anybody with Wilkinson

*A.* I think Mr. Kirkland was with him, that was on the 14th of March.

*Q.* Anybody else?

*A.* Afterwards, that morning I saw Mr. Kirkland and Wilkinson, and immediately afterwards, I think Wilkinson took me to the Walker House to see a man whom he called Lynch, though Lynch was not with Wilkinson.

By the CHAIRMAN.—*Q.* Wilkinson alone or Wilkinson and Kirkland?

*A.* I do not remember whether the two were together or not—I could not say.

By Mr. BLAKE.—*Q.* Did you see Lynch.

*A.* Yes.

*Q.* Where did you meet him?

*A.* In the room apparently occupied by Wilkinson in the Walker House.

*Q.* The room you were in before with Wilkinson.

*A.* Yes.

*Q.* Who took you into that room?

*A*, Wilkinson showed me into the room, but did not go in with me: he opened the door.

*Q.* Who was it said he wanted you to meet Lynch?

*A.* It was Wilkinson.

*Q.* Then he took you to the Walker House, to the room you had been in before. Do you remember the number of it?

*A.* No.

*Q.* And then he said?

*A.* He said, Lynch wanted to see me in his room, and he took me up stairs, opened the door—I do not think he introduced me—and showed me into the room; he said Mr. Lynch is in there, and he put me in and shut the door.

*Q.* Then you spoke to Mr. Lynch?

*A.* I spoke to Mr. Lynch.

*Q.* Would you recognize him again? (Witness shown two photographs.)

*A.* To the best of my knowledge, though I would not swear positively, I certainly think that it is Lynch.

*Q.* It is either Lynch or Stimson?

*A.* Well, I think it is the man who met me.

*Q.* Had you a conversation with Mr. Stimson *alias* Lynch?

*A.* He asked me if I was not Dr. Dowling and I said yes; he said "Wilkinson had been speaking to you," and he drew a large white envelope from his pocket and asked me to read what was written on the back; I read what was there and the substance of it was that he (Lynch) wanted to bet with Dr. Dowling two thousand dollars, the contents of this envelope, that I would not vote against the Mowat Administration from that time to the end of the session; he said he would count two thousand dollars, put them in the envelope, seal it, and take it down to Mr. Meek or Mr. Bunting until the close of the session.

*Q.* Had he any money?

*A.* He did not produce any.

*Q.* Was that endorsement on the envelope when you went into the room?

*A.* Yes.

*Q*. Have you seen the envelope since?

*A*. No.

By the CHAIRMAN.—*Q*. He said he would put in two thousand dollars in the envelope and leave it with Mr. Meek or Mr. Bunting?

*A*. He wanted me to go with him to Meek or Bunting, but I refused.

By Mr. BLAKE.—*Q*. What was to be done with it at the end of the session?

*A*. If I voted against the Government I was to get the contents; that was what he said.

*Q*. Had he said anything to you about whether you had been speaking to Wilkinson?

*A*. Yes; on going into the room he asked me if I had been speaking to Wilkinson.

*Q*. What did you say?

*A*. I said yes.

*Q*. Then he said?

*A*. He said I want to proceed to business, and drew the envelope from his pocket; the interview was a short one; I do not think I was over five minutes in the room.

*Q*. Did you go down with him with the envelope?

*A*. No, I said I would do no such thing, and walked out of the room.

*Q*. Did you meet him again?

*A*. No, I never saw him afterwards.

*Q*. Did you again see Mr. Wilkinson

*A*. I saw him on Saturday the 15th.

*Q*. Where did you see him?

*A*. In my room at the Continental.

*Q*. Did he come by appointment?

*A*. No, he came of his own accord.

*Q*. You had no knowledge of his coming until he came

*A*. No.

*Q*. Where did you see him in the Continental House?

*A*. He and Kirkland came into my room in the hotel.

*Q*. What did he say to you?

*A*. They commenced talking about my going into this arrangement that they appeared to have been making.

*Q*. What was it?

*A*. It was apparently the same thing over again.

*Q*. State as nearly as you can?

*A*. Well they asked me if I had made up my mind or decided upon voting against the Government, and Kirkland said he was interested in the timber policy of the Government, that he was opposed to it, and that it was to his interest that the Government should be defeated ; he stated also that he had learned that some of the members whom he had approached had told the members of the Government and that he thought he would go home, that they would all get into the penitentiary, or something of that kind.

*Q.* What further?

*A.* They had some conversation amongst themselves, Kirkland and Wilkinson ; I think a few words passed between them, I think Wilkinson was accusing Kirkland of telling the Government, and then they left my room.

*Q.* Did they say on that occasion anything to you about your vote?

*A.* I think they did.

*Q.* What did they state?

*A.* Well on every occasion they did.

*Q.* But on that occasion did they make any offer? If so, would you state it as distinctly as you can?.

*A.* Nothing definite that day, but the same night Wilkinson himself came.

*Q.* On that occasion what was the object of the visit of Wilkinson and Kirkland to you?

*A.* To endeavor to influence me to vote against the Government.

*Q.* And it was in that way that Kirkland said it was in his interest that the Government should be defeated because his views were different on the timber policy?

*A.* Yes.

*Q*, What answer did you make to that?

*A.* I didn't say anything to it ; I did not assent to it.

*Q.* And they left you?

*A.* Yes.

*Q.* Kirkland saying that he thought they would all get into the penitentiary?

*A.* Yes, Wilkinson brought an accusation against Kirkland that he had told the Government, and then they left the room.

*Q.* You saw Wilkinson again that day?

*A.* Yes, he came into my room about 11 o'clock that same night—Saturday night—and produced two thousand dollars and wanted me to take it, and sign the Round Robin.

*Q.* Did he produce money?

*A.* Yes.

*Q.* What bills?

*A.* One thousand dollar bill, and ten one hundred dollar bills.

*Q.* He wanted you to vote against the Government?

*A.* Yes.

*Q.* Did he show you the Round Robin?

*A.* Yes.

*Q.* Had anybody signed it at that time?

*A.* There was one name on it.

*Q.* Whose name?

*A.* Mr. Lyon's.

*Q.* That was the only name?

*A.* Yes.

*Q.* Does that paper contain the terms of the Round Robin (shewing witness a paper)?

*A.* As well as I can remember it was the same.

*Q.* In regard to the form was it the same as that?

*A.* He produced a letter like that, and also a Round Robin—the Round Robin first, and I would not sign it, and then he produced the letter and asked me to sign it and I refused.

*Q.* Describe the Round Robin?

*A.* It was in the form of a circle, and it had one signature to it.

*Q.* Have you ever seen it since?

*A.* No.

*Q.* Then what did you say to that?

*A.* I said I would not sign it; I would not take the money, and they went away.

*Q.* Then did you see Mr. Wilkinson after that, and have any talk?

*A.* I think the following Monday I saw him.

*Q.* Where?

*A.* In the Continental House.

*Q.* What was he doing there?

*A.* I think he came to see me.

*Q.* What passed on that occasion?

*A.* He didn't remain long that time. He just asked me if I would not go in with the party, that they had a number of members who would vote against the Government on a want of confidence, and still urged that the proceedings would be withdrawn against me; he said that the Government was going to be defeated soon; that even Mr. Fraser had come to him and made some proposals.

*Q.* That is Mr. Fraser, a member of the Government.

*A.* Yes.

*Q.* What was your answer about the protest?

*A.* I answered no, and he went away; that was the last I saw of him.

*Q.* Did you see Kirkland after the interview on Saturday to have any conversation with him?

*A.* I don't remember, but I do not think that I did.

*Q.* Or Mr. Meek?

*A.* I never spoke to Mr. Meek in my life.

*Q.* Did you meet Wilkinson after that?

*A.* No; that was the last I saw of him.

*Q.* Did you see Mr. Lynch or Mr. Stimson after that?

*A.* No, I never saw him.

*Q.* Did Mr. Wilkinson say anything to you as to how this matter had been arranged, or where?

*A.* Yes, he said it had been arranged in Ottawa.

*Q.* Did he say when?

*A.* He said he and Mr. Bunting and Mr. Meredith had been to Ottawa and had had it all arranged; that was what Wilkinson said.

*Q.* Was this the first session that you had a seat in the House?

*A.* Yes.

*Q.* Do you know Mr. J. M. Gibson, of Hamilton?

*A.* Yes.

*Q.* And Mr. E. G. Sills?

*A.* Yes.

*Q.* And Mr. Caldwell?

*A.* Yes.

*Q.* These were all Reform members and supporters of the Mowat Administration?

*A.* Yes.

*Cross-examined by Mr. Caswell.*

*Q.* You spoke about meeting Kirkland, where was the first time you met him?

*A.* It was either in the Continental, or the Walker House; I am not positive which.

*Q.* By whom were you introduced?

*A.* By Mr. Wilkinson.

*Q.* When were you introduced to him?

*A.* I think it was on Friday, the 14th.

*Q.* And you think it was at the Continental?

*A.* Yes.

*Q.* Whatever conversation you had with Kirkland was Wilkinson present on that occasion?

*A.* No, I think not.

*Q.* Wilkinson introduced you; then what happened?

*A.* He went away.

*Q.* And left you and Kirkland?

*A.* Yes.

*Q.* I understood you to say that both were present?

*A.* They were on one occasion at least, but not on the first occasion.

*Q.* Are you positive that Wilkinson introduced him?

*A.* As well as I can remember.

*Q.* At the Police Court you could not say?

*A.* I am not positive about it, but I think it was Wilkinson; nor am I positive about the place, but I think it was the Continental Hotel.

*Q.* What time of day?

*A.* I think it was before noon.

*Q.* Are you satisfied of that?

*A.* Yes, quite.

*Q.* Was it Thursday or Friday?

*A.* I think it was on Friday the 14th.

*Q.* That was the first occasion on which you met Kirkland so far as you know?

*A.* Yes.

*Q.* Was this prior or subsequent to the interview with Bunting?

*A.* It was after.

*Q.* A few days?

*A.* It was the following day; I met Bunting the previous afternoon.

*Q.* Was there anything said in Kirkland's presence about an interview with Bunting?

*A.* There might be but I do not remember.

*Q.* Did he seem to show any knowledge of your having had the interview?

*A.* I remember in speaking to Kirkland that he mentioned Wilkinson's and Bunting's names several times.

*Q.* Did he say anything that would lead you to believe that he knew of your meeting with Bunting the previous evening?

*A.* He may have, but I do not remember.

*Q.* He simply mentioned their names as you might mention any person's name; you do not attach any importance to it. Was there any language used about it?

*A.* In trying to influence me to vote against the Government he mentioned that Bunting and Wilkinson would withdraw the proceedings against me and recoup me for my election expenses.

*Q.* Was this in Wilkinson's presence?

*A.* No, he had gone.

*Q.* When he was present, was there anything about the petition?

*A.* No.

*Q.* And during the conversation with Kirkland you said he said "they." meaning Wilkinson and Bunting?

*A.* He was speaking first of Bunting and Wilkinson, and then in the course of the conversation he would use the word "they."

*Q.* He did'nt use the word "we" in his conversation, coupling himself with the others, or did he?

*A.* I don't remember so minutely as that, whether he mentioned "we" or "they."

*Q.* Did he say "we" would get the election petition withdrawn?

*A.* No, I think he said "they."

*Q.* His language didn't lead you to believe that he was a party to dropping the petition?

*A.* No, I don't think it was.

*Q.* Did he ask you to vote against the Government?

*A.* He did.

*Q.* Generally?

*A.* No, on the timber policy; that appeared to be all he was interested in.

*Q.* Did he explain that he had been seeing Mr. Pardee or any member of the Government?

*A.* No.

*Q.* Or any supporters of the Government?

*A.* I beg your pardon, he may have mentioned that he saw Mr. Pardee, I think he did, and that Mr. Pardee would not agree to his proposal.

*Q.* Did he say that he had seen Mr. Pardee, or that Mr. Pardee had been seen on his behalf?

*A.* I do not remember, I think he said he had seen Mr. Pardee.

*Q.* Did he say anything about whether he had seen him during the session or at any prior time?

*A.* He did not say when.

*Q.* Did he say anything about meeting the supporters of the Government and discussing this policy with them?

*A.* Yes, I think he did.

*Q.* Did he refer to any names?

*A.* Yes, he referred to Mr. Harcourt; he wished me to see Mr. Harcourt and Mr. Gibson and promise to support them in any measure they would take in reference to the timber policy.

*Q.* He referred to the timber policy all through?

*A.* Yes.

*Q.* He asked you to support any measure they would sustain?

*A.* Yes, and to try to induce them to introduce those measures.

*Q.* Did he say anything to you about wanting you to support those gentlemen in voting against the Government?

*A.* No, it was in reference to the timber policy he wanted me to support them.

*Q.* You were only to support them in this change of the timber policy?

*A.* Yes, as far as I remember, that was all.

*Q.* Well now, did he shew by his language that he wanted a change of Government

*A.* I think all he wanted was a change in regard to the timber policy, I think that was all.

*Q.* Did he show anxiety to actually get this particular Government out and another in?

*A.* I do not think he cared, so long as there was a change in the timber policy. I think that was all he wanted.

*Q.* So that if he were to get some resolutions of that kind brought up that would apparently ask the Government to change the policy, all he asked was to support them?

*A.* Yes, that was all.

*Q.* It was not actually to turn out the Government?

*A.* No, I don't think he cared about that.

*Q.* Did his language imply that the Government knew what he was doing?

*A.* No.

*Q.* Did he seem to be keeping the Government out of a knowledge of what he was doing?

*A.* He did not give me to understand one way or the other.

*Q.* Did he ask you to keep the thing a secret?

*A.* No, I don't think he did.

*Q.* He spoke in a free way; there was no cloaking?

*A.* No; he appeared to be only interested in the timber policy?

*Q.* Was there any attempt to close the door, specially, so that no one could hear?

*A.* No, I don't think there was.

*Q.* That was on the Friday; do you remember anything else of the conversation that day?

*A.* No, I do not.

*Q.* What was the next time you met Kirkland?

*A.* On Saturday afternoon, the 15th.

*Q.* Where was that?

*A.* In my room in the hotel.

*Q.* What was the subject of conversation on that occasion?

*A.* He asked me if I had seen Harcourt or Gibson in the meantime; I said I had not; that I had not spoken to them with reference to the subject at all.

*Q.* What was the next thing?

*A.* He said that he had heard that the Government was aware what was going on amongst those parties, and that the best thing he could do was to go home.

By the CHAIRMAN.—*Q.* Was Wilkinson present?

*A.* Yes.

By Mr. CASWELL.—*Q.* Was any other person present?

*A.* No, just the three of us.

*Q.* And all could hear this?

*A.* Yes.

*Q.* Was anything said by Kirkland then about your voting against the Government?

*A.* Yes, I think he still spoke of voting against the Government on the timber policy.

*Q.* Did he speak of your voting against the Government, or did Wilkinson do so?

*A.* I think they both did on that occasion.

*Q.* Did they seem to have a common interest in what they were at?

*A.* Yes.

*Q.* To vote against the Government?

*A.* Yes.

*Q.* Was Wilkinson interested in the timber policy too?

*A.* I do not think so.

*Q.* He had other grounds besides the timber policy

*A.* Yes.

*Q.* Had he expressed those to you?

*A.* He had.

*Q.* On this occasion in Kirkland's presence?

*A.* I do not think that he did, though it is possible; he did on various occasions.

*Q.* Now on this occasion I think you say he used the expression that the Government knew about it and that he would go home?

*A.* Yes.

By the CHAIRMAN.—*Q.* Knew about what?

*A.* That improper offers were being made to the members.

By Mr. CASWELL.—*Q.* Did he use those words?

*A.* He implied them; it was that he meant.

*Q.* That improper offers were being made to supporters of the Government?

*A.* Yes.

*Q.* Did his language imply that he had made any improper offers?

*A.* His language implied that he was, I think, implicated, because he said, "I think I will go home, or perhaps I will get into the Penitentiary."

*Q.* Did his language imply more than he knew what was going on?
*A.* Well, I think from what he said that he must have been implicated in the matter.

*Q.* Was there anything further said on that occasion?
*A.* That was all that occurred.

*Q.* Was Wilkinson there during the whole conversation?
*A.* Yes.

*Q.* You mentioned that Wilkinson charged him with telling tales
*A.* Yes.

*Q.* And they went away discussing that matter, I suppose?
*A.* Wilkinson said something to Kirkland, accusing him of telling Mr. Pardee. I think Kirkland denied it, and both went away immediately afterwards.

*Q.* Did Kirkland ever offer you any money?
*A.* No.

*Q.* Or hint that he would give you any money?
*A.* Not of himself.

*Q.* Was there any document or paper produced by Kirkland?
*A.* No.

*Q.* He did not ask you to sign any round robin or anything of that nature?
*A.* No.

*Q.* Nor was present when it was produced?
*A.* No.

*Q.* It was stated in one of the newspapers, in connection with the police court proceedings, that Kirkland offered you two thousand dollars?
*A.* No, that was a mistake.

*Q.* Nothing of the nature of money was offered you by him?
*A.* No.

By Mr. MEEK.—*Q.* Do you know Mr. Bishop?
*A.* Yes.

*Q.* Who is he?
*A.* He is the member for Huron.

*Q.* On what side is he?
*A.* On the Reform side.

*Q.* Do you know McKim?
*A.* Yes.

*Q.* Who is he?
*A.* He is also a Reform member supporting the Mowat Government.

*Q.* Who came to you first to speak to you first about the matter?
*A.* McKim and Bishop.

*Q.* And which one was it that spoke?
*A.* Bishop, I think, spoke first.

*Q.* What did he say to you?

*A.* He commenced to laugh, and said he was going to tell me something that would surprise me. He said Wilkinson wanted me at the Walker House.

*Q.* Did you know at that time who Wilkinson was?
*A.* I had heard of him but was not acquainted.

*Q.* Did you ask him who Wilkinson was?
*A.* No.

*Q.* Did you make any reply?
*A.* I said I would not go.

*Q.* Why did you say that?

*A.* Because I inferred from what Bishop said that something curious was going on and that the Government was aware of it.

*Q.* What was the curious thing?

*A.* He said something about a lot of corruption going on in Ottawa, and Wilkinson was carrying it out here; that there was a boiling cauldron of corruption going on, and that Wilkinson was carrying it on here, and that it would be in the interest of the Province and the country that I should go and see him.

*Q.* Did he say anything else before you said you would not go?
*A.* McKim then said I should go and see him.

*Q.* McKim urged you to go?
*A.* Yes, he said I should go and see him.

*Q.* Why, did he say?
*A.* He said there was something going on, and he would like me to see Wilkinson.

*Q.* Did he give any reason for going?

*A.* He did eventually; he said on account of my protest, that Wilkinson wished to see me with reference to the protest case.

*Q.* Did McKim tell you to go?
*A.* Yes.

*Q.* He said he thought you had better go?
*A.* He said he thought I had better go.

*Q.* Did he use any stronger language than that?
*A.* No.

*Q*. What else did McKim tell you?

*A*. They kept on, both of them telling me and urging me to go. I consented in the latter end.

*Q*. You would not have gone if they hadn't urged you?

*A*. No.

*Q*. Did they say the Government knew all about this?

*A*. Yes, Mr. Bishop I think.

*Q*. Which member of the Government?

*A*. He did not say.

*Q*. What did he say?

*A*. He said that the members of the Government knew what was going on; "don't be afraid for the Government, they know what is going on."

*Q*. Did you ask him, how he knew that?

*A*. No.

*Q*. Had you sufficient reliance on him to believe him?

*A*. Yes, I believed what he said.

*Q*. Did you believe the Government would have allowed this to be going on if they knew?

*A*. Well, at this time I did not know what was going on, myself.

*Q*. Well, did you ask him anything further. Were you surprised to think that the Government would allow it to go on?

*A*. Well. I thought that the Government had no authority for Wilkinson's actions.

*Q*. But about McKim's actions?

*A*. I did not know whether they were aware of them.

*Q*. Did not they say that they had authority from some member of the Government to ask you to go?

*A*. No, no, they didn't tell me that.

*Q*. Did you assume that from what they said?

*A*. No.

*Q*. They said when you refused to go, "Don't be alarmed, the Government know all about it?"

*A*. Yes, but they did not imply in any way that they were aware that McKim and Bishop were going to see me. I didn't infer that.

*Q*. They told you a boiling cauldron was likely to infest the whole Legislature, and you would naturally say, before I put my foot in anything of this kind, I want a positive assurance that the Government know what I am doing. Did not you take that course?

*A*. No, Bishop said we might go and see the members of the Government before going, though it was not necessary, because they appeared to know what this Wilkinson was doing.

*Q.* Did he intimate that they were quite willing that you should go?

*A.* I didn't infer from what either of them said that the Government was aware that they came to me.

*Q.* Did you infer that the Government would not be annoyed with you if you went?

*A.* Certainly I did.

*Q.* After being urged in that way did anything more occur at that interview?

*A.* No.

*Q.* Did they tell you anything further?

*A.* I think that was nearly all, though there may have been some words passed which I have forgotten.

*Q.* Did McKim tell you anything about any offer made to him, about his seeking any position, or anything of that kind?

*A.* No, he never mentioned it.

*Q.* Did he say that any offers had been made to any others?

*A.* No.

*Q.* From all that was said you were led to believe that you were the first person to be operated upon?

*A.* At this time I had no idea of what was going on.

*Q.* But from all that was said there at that time you could not think anything else but that you were the first person to be contaminated?

*A.* I could not infer that from what they said; there might have been a dozen others.

*Q.* Did they say there were a dozen?

*A.* No.

*Q.* Did they intimate that there were any others?

*A.* No, they said Wilkinson wished to see me about the protest.

*Q.* From all that was said you had no reason to suppose that you were the second person?

*A.* I had no idea how many there were.

*Q.* You could only think from anything said to you that you were the first person to be operated upon?

*A.* I could not infer that at all. From anything they said there might be a dozen.

*Q.* And from anything said to you you could not infer anything else than that you were the first person?

*A.* No, I could not infer that.

*Q.* Why could you not infer that?

*A.* Because from anything they said there might be a dozen.

*Q.* And that would be all left to your imagination?

*A.* Yes, because I had no idea of what was going on.

*Q.* From anything they said there might not be any?

*A.* Yes.

*Q.* But you could have inferred, and legitimately, that you were the first person, from anything they said?

*A.* Yes, I did not know the offers which were going to be made at all.

*Q.* But they told you that an offer would be made to you?

*A.* I think one or the other stated that an effort was being made to defeat the Mowat Government, that they were trying to bribe some of the members.

*Q.* But they told you that an offer would be made to you?

*A.* No.

*Q.* What did they tell you to go for?

*A.* That Wilkinson wanted to see me on different subjects and especially the petition.

*Q.* Did they say he wished to make a proposition about it?

*A.* No.

*Q.* What did you infer from that?

*A.* I did not know then what he wished to say about it.

*Q.* Did you go with them?

*A.* Yes.

*Q.* You didn't know Mr. Wilkinson at that time?

*A.* I was not acquainted.

*Q.* Did they introduce you?

*A.* McKim did.

*Q.* Where?

*A.* In the Walker House.

*Q.* In Wilkinson's room?

*A.* No, I think down stairs.

*Q.* Well, after the interview with Wilkinson, did you see McKim again?

*A.* Yes, he and Bishop were down stairs.

*Q.* How long did the interview last?

*A.* Twenty or twenty-five minutes, or half an hour.

*Q.* Did you tell him all that passed?

*A.* I think I told Bishop; I do not think I told McKim.

*Q.* Was McKim standing by?

*A.* No, I think he was not in the room.

*Q.* And what did Bishop say?

*A.* He laughed and said, "I told you you would be surprised.'

*Q*. Was that all that was said?

*A*. I think that was, though he may have said more.

*Q*. Did he tell you to go and see any members of the Government?

*A*. We were going to the Buildings at the time.

*Q*. Did he tell you?

*A*. Possibly, but I do not remember.

*Q*. Did you see McKim immediately after the conversation with Wilkinson?

*A*. Yes.

*Q*. What did he say?

*A*. I do not remember what he said.

*Q*. Did you tell McKim all that passed?

*A*. No, I think not. Bishop and I walked to the Buildings, and McKim was there with another gentleman.

*Q*. You do not think he said anything on that occasion?

*A*. It is possible that he did, but I do not remember what he said.

*Q*. You and Bishop walked where?

*A*. To the Buildings.

*Q*. Whom did you see?

*A*. I met Mr. Pardee and Mr. Fraser in the corridor.

By the CHAIRMAN.—*Q*. When was this?

*A*. On the Thursday.

By Mr. MEEK.—*Q*. Did you tell them what happened?

*A*. Yes.

*Q*. What did they say to you—either of them?

*A*. They laughed, and I told them Wilkinson had arranged an interview with me with Bunting.

*Q*. What did they say to you—either of them?

*A*. I told them——

*Q*. But what did they say?

*A*. I don't think they said anything until I told them what I am going to tell you now.

*Q*. You told them all that took place, but what did they say to you?

*A*. I do not think they replied, at that time, until I said more.

*Q*. As soon as you told them everything that had occurred, what reply did they make?

*A*. I do not think they replied to that part of the conversation at all.

*Q.* Well, to any part of the conversation; what was their reply?

*A.* When I told them that Wilkinson had arranged an interview with Bunting, I told them that I was not going to go. They asked me what it was about, and I said principally about my protest, and they said I had better go.

*Q.* Who said that?

*A.* Both.

*Q.* Did they urge you to go?

*A.* Yes, they said there was no harm, that I had better go and see what they had to state.

*Q.* Both of them?

*A.* Yes, they said I had better go and see what they said about the protest. I refused positively, and said that if Bunting wanted to see me, he could come and see me.

*Q.* You were determined not to approach anybody, but they urged you to approach Bunting?

Mr. BLAKE.—He did not say that he approached anybody or was asked to approach anybody; he said that they had asked for an interview.

Mr. MEEK.—I did not say that he had approached anybody.

The CHAIRMAN.—He didn't use the word "urged" which you have used a dozen times.

Mr. BLAKE.—Nor the word "approach."

Mr. MEEK.—And you used a dozen of words during the examination which witnesses did not use.

Mr. BLAKE.—I did not put words in the witnesses' mouth, and at any rate if I was wrong I should have been corrected. I submit if it is reasonable, when the witness has not made use of the word "approach," that it should be repeated by counsel as if he had used it.

Mr. MEEK.—And I submit, was it reasonable to use the word "*alias*" in connection with the name of Lynch.

The CHAIRMAN,—He did not represent the witness as using that word. He presented the photograph and said, "Is this a photograph of the man Lynch, *alias* Stimson," stating a conclusion which might be drawn from the evidence already given, and that the photograph might be the photograph of this man.

*Q.* How many times then did they request you to go?

*A* At this one interview?

*Q.* Yes?

*A.* They told me a couple of times that I had better go.

*Q.* They both said that?

*A.* Yes.

*Q.* Did you finally positively refuse?

*A.* At the first I did. We talked over the protest case for a few minutes, and I think Mr. Fraser said that possibly Bunting wanted to see me about the protest, and for that reason it was I went to see Bunting.

*Q.* Did you consent to go yourself?

*A.* I said it was possible I would go, and I left them.

*Q.* Did they tell you anything else was going on—either Mr. Fraser or Mr. Pardee?

*A.* I told them—

*Q.* Did they tell you?

*A.* No.

*Q.* Was Mr. Bishop present at this conversation with Mr. Fraser and Mr. Pardee?

*A.* No, I think not.

*Q.* Was McKim?

*A.* No, I think not.

*Q.* You were alone with them?

*A.* Yes.

*Q.* After saying it was possible you might go, you left?

*A.* Yes.

*Q.* Whom next did you see?

*A.* I think I saw Bishop; I think we were at lunch together; I think there was a a sitting of the House that day, and I met him immediately after the House adjourned.

*Q.* Where did you go with him?

*A.* To the Continental Hotel.

*Q.* Where you were stopping?

*A.* Yes.

*Q.* What did Bishop say?

*A.* He said I might as well go and see Bunting.

*Q.* Did he urge you to go down and see him?

*A.* He didn't urge me very strongly.

*Q.* You do not like that word "urge?"

*A.* Well, I do not think Bishop urged me.

*Q.* You do not put it so strongly now?

*A.* No, I do not wish to put it so strong.

*Q.* He told you you might as well go. How many times did he repeat it?

*A.* I do not know.

*Q.* Did he tell you anything else?
*A.* I do not think so.

*Q.* Did he tell you anything he knew was going on?
*A.* I do not think so; I do not remember of anything.

*Q.* Up to that time you did not know that any one else was being approached at all?
*A.* No, I didn't.

*Q.* Or that any person was approaching anybody else?
*A.* No, I didn't.

*Q.* Then you went into the hotel with Bishop. Was he stopping at the same hotel?
*A.* Yes.

*Q.* Was that all that occurred between Bishop and you?
*A.* Yes, all that I remember of.

*Q.* Was that the same day you went to see Mr. Bunting?
*A.* Yes.

*Q.* Did you see Mr. Bunting before you saw McKim, after the interview with Mr. Pardee and Mr. Fraser?

*A.* I do not remember of seeing him.

*Q.* Are you sure you didn't?

*A.* I would not be positive, but I do not remember any conversation which took place with reference to it.

*Q.* Before you saw Mr. Bunting, after the interview with Mr. Fraser and Mr. Pardee, did you see McKim, or he see you?

*A.* He may have seen me, but I do not remember anything that occurred between us?

*Q.* Didn't he know that you had decided to see Mr. Bunting before you went?

*A.* I do not know.

*Q.* Didn't he know that you had given your consent to see Mr. Bunting before you went?

*A.* I do not know.

*Q.* You do not recollect?

*A.* I do not recollect.

*Q.* Did he come to the same hotel where you were stopping?

*A.* No, I think not.

*Q.* After your interview with Mr. Bunting, when did you see any member of the Government?

*A.* I saw them the same evening, I think.

*Q.* Which members of the Government?

*A.* Mr. Pardee and Mr. Fraser.

*Q.* Before you saw Mr. Pardee and Mr. Fraser did you see Mr. Bishop and Mr. McKim?

*A.* I saw Mr. Bishop.

*Q.* Did you see Mr. McKim?

*A.* I do not remember, but it was very possible.

*Q.* He came to your hotel very frequently?

*A.* Not often.

*Q.* About that time, I mean?

*A.* On a few occasions, not very often.

*Q.* He was there every day about that time?

*A.* Perhaps every day.

*Q.* You saw Bishop before seeing Mr. Pardee and Mr. Fraser, after seeing Mr. Bunting.

*A.* Yes.

*Q.* What did you say to Mr. Bishop; did you tell him what happened?

*A.* Yes, all that I remembered of.

*Q.* What did he say about it?

*A.* I do not remember.

*Q.* Did he tell you to go and tell the members of the Government?

*A.* I do not remember that he did.

*Q.* Did he tell you to go and see Wilkinson again?

*A.* It is possible that he did, but I do not remember at this date; he may have done so.

*Q.* Did he tell you to see McKim again?

*A.* I understood it was McKim you were speaking about.

*Q.* No, I mean Mr. Bishop; I am speaking of what Bishop told you; did he tell you to go and see members of the Government and tell them what occurred?

*A.* I do not remember of his doing so.

*Q.* You told Bishop what had happened?

*A.* Yes

*Q.* Did he tell you to see McKim?

*A.* I do not remember of his doing so.

*Q.* Do you remember of his telling you to see Mr. Wilkinson?

*A.* I do not remember that.

*Q.* You do not recollect anything that passed between you and Bishop after seeing Mr. Bunting?

*A.* No, I don't.

*Q.* Where was your interview with Mr. Bishop?

*A.* He was stopping in the same hotel.

*Q.* He was the first man you saw after seeing Mr. Bunting?

*A.* I do not know.

*Q.* The first person that knew anything about this matter?

*A.* I remember seeing Mr. Bishop after seeing Mr. Bunting, but I saw half a dozen men before I saw him; I may have spoken to half a dozen more.

*Q.* About this matter?

*A.* Oh, no.

*Q.* Bishop was the first man you spoke to on the subject?

*A.* Yes, I think so.

*Q.* Was he the only man you spoke to before seeing Mr. Pardee and Mr. Fraser?

*A.* I think he was; I do not remember any person else.

*Q.* You went to see Mr. Pardee and Mr. Fraser in the evening?

*A.* Yes, it would be in the evening, about seven o'clock, or seven thirty; I do not remember whether it was before the opening of the evening session or during the evening session.

*Q.* Did you tell Mr. Pardee and Mr. Fraser all that happened?

*A.* Yes.

*Q.* Which did you tell first?

*A.* I think they were together.

*Q.* After you told them all that had taken place at the interview, which of them spoke to you first?

*A.* I cannot answer that question.

*Q.* Did either of them speak to you about it?

*A.* I spoke to them.

*Q.* You told them everything?

*A.* Yes.

*Q.* What did they say?

*A.* I told them Bunting wanted to see me again or would send me a note; I said that I was not going to see any of these parties any more.

*Q.* What did they say?

*A.* They laughed and said, "Let them go ahead and see how far they will go."

*Q.* Did either of them tell you to go and see him or any person?

*A.* No, neither of them told me to go and see Bunting.

*Q.* Did either of them tell you to see Wilkinson?

*A.* I do not think so; they told me to let them go ahead.

*Q.* What did you infer

*A.* I told them that if either of those parties came into my place I would turn them out, and they said, "No, never mind; let them go ahead."

*Q.* What did you infer from that remark?

*A.* I inferred from that, that they did not appear to be alarmed at what was going on.

*Q.* That it was their desire that you should lead them on; lead them to suppose that you were willing to consent to be bribed by the party; did you infer that from them?

*A.* I inferred from them that they didn't appear to care; they said, "Don't bother; let them go ahead."

*Q.* Go ahead and try to get the money?

*A.* I think on a subsequent occasion they told me that if money was offered I should take it.

*Q.* On that occasion the most they said was, "Let them go ahead," and you inferred from that that if any of the party met you you were not to show any indignation, but to listen to the proposal that might be made to you; you were not to resent the approach?

*A.* Yes.

*Q.* And you were to appear to concur in it?

*A.* They didn't say so.

*Q.* But did you infer it; that you were to appear to be one of the men who were to help to turn out the Government?

*A.* No, not so strongly as you have said.

*Q.* Then you were not to assume any *role* or position?

*A.* They told me what I have said.

*Q.* Did you think you had a right, so far as they were concerned, to assume the position of appearing to consent to be one of the men to vote against the Government?

*A.* They simply said "let those fellows go ahead."

*Q.* Did you understand that you were to assume that *role* from anything they said to you?

*A.* No, not so strongly as you say. I could infer what I had a mind to from what they said, but they said "let those fellows go ahead."

*Q.* You were stating that if they came to you that you would turn them out, and they disapproved of that?

*A.* No, they said no, "let them go ahead."

*Q.* You understood that that was their desire?

*A.* Yes.

*Q.* After that you saw Mr. Wilkinson?

*A.* Yes.

*Q.* Was he the next person you saw?

*A.* I saw Wilkinson the following morning.

*Q.* Did you see Bishop or McKim?

*A.* I must have seen Bishop, for he was in the same hotel.

*Q.* Did you tell him what passed between you and Mr. Fraser and Mr. Pardee?

*A.* Possibly, but I do not remember. I did not take any notes of these things.

*Q.* But you may have told him all that the members of the Government said?

*A.* I may have or I may not.

*Q.* Did he approve of what the members of the Government said?

*A.* I do not remember.

*Q.* Do you remember his expressing any disapproval at any time of the course suggested by members of the Government?

*A.* No, I do not.

*Q.* You saw Wilkinson the next morning?

*A.* Next afternoon, I think it was.

*Q.* You didn't see anybody until next afternoon, and then you saw Mr. Wilkinson?

*A.* I think I saw Wilkinson on the Friday.

*Q.* I am speaking of the evening you saw Mr. Fraser and Mr. Pardee, and returned to your hotel. You likely had a conversation with Mr. Bishop, and the next morning ——

The CHAIRMAN.—*Q.* The meeting with Mr. Fraser and Mr. Pardee was on the 13th?

*A.* Yes.

[illegible] By Mr. MEEK.—*Q.* Well, it was on the following Friday morning you said you saw Wilkinson; was any person with him when you saw him?

*A.* No, I think he was alone.

*Q.* After the interview with Wilkinson, whom did you next see in reference to this matter?

*A.* I think it was Lynch.

*Q.* And after him who next?

*A.* I do not remember.

*Q.* Did you see Mr. McKim?

*A.* It is possible I did; I used to see McKim and Bishop almost every day, or several times a day.

*Q.* Did you see any member of the Government after seeing Lynch?

*A.* I think I did.

*Q.* Which one?

*A.* I think I saw Mr. Fraser, and Mr. Pardee also.

*Q.* Did you tell them what had passed?

*A.* Yes.

*Q.* All that happened?

*A.* Yes, all that happened with Lynch.

*Q.* But with Wilkinson?

*A.* I suspect I told them some of it.

*Q.* Did you tell them substantially all that happened?

*A.* Yes, I told them that they appeared to be in danger.

*Q.* Did you tell them all that occurred—what transpired between you and me?

*A.* I think I did.

*Q.* Which one of them?

*A.* The ones I have already said.

*Q.* Did they appear to be always together—Mr. Fraser and Mr. Pardee, when you met them?

*A.* Not always; I used to meet them in the Council Chamber. I think Mr. Hardy was there on one occasion.

*Q.* Was this meeting you had on Friday afternoon?

*A.* Yes.

*Q.* Where?

*A.* In the Parliament buildings.

*Q.* Did they appear to be excited over it?

*A.* No.

*Q.* They took it very coolly!

*A.* Yes.

*Q.* Did they laugh about it or joke about it?

*A.* I don't know; but when I told them that they should be on their guard; that a desperate effort was being made to defeat the Government, they laughed and said ——

*Q.* O, they did laugh?

*A.* They laughed at what I said to them, not at what you infer

*Q.* The laugh was at your remark and not at what took place, you make that distinction?

*A.* Yes.

*Q.* And did they give you any instructions or advice?

*A.* No.

*Q.* Did you ask if you should accept any money?

*A.* No.

*Q.* Didn't you ask either of them?

*A.* I told them on one occasion that money was being used but that I was not going to take it, and they told me I might as well take it.

*Q.* Did they both say this?

*A.* I know Mr. Fraser did, anyhow.

*Q.* You are not so sure of Mr. Pardee?

*A.* I cannot recollect exactly that he did.

*Q.* Did you think Mr. Pardee would have disapproved of it if you had taken the money?

*A.* I did not know whether he would or not.

*Q.* If he had known you were offered money and were likely to accept it?

*A.* Do you mean, to keep it myself?

*Q.* No, to carry out the scheme. From any remarks he made on the occasion, was it the impression on your mind that he would not advise the same course as Mr. Fraser?

*A.* I think he would.

*Q.* You could not infer anything else than that both were willing you should take any money which was offered you?

*A.* Yes.

*Q.* Did either of them say anything to you, or did they tell you to take it?

*A.* They said if they offered money to take it.

*Q.* Mr. Fraser said that?

*A.* Yes.

*Q.* Did you feel indignant at all at being advised or directed in that way?

*A.* I told them I would not take the money under any consideration. I felt like this, that the thing looked a little crooked, and there might be some suspicion——

*Q.* But you were placed by your leaders to play that sort of game, and you didn't like it?

*A.* I told them that I would not take the money.

*Q.* But you have no heart for that kind of work; you are not that kind of a man?

*A.* No, I told them I would not take it.

*Q.* Did he urge you to do so more than once?

*A.* No, I think he said a couple of times that if they offered the money I should take it and give it to the Speaker.

*Q.* You are satisfied that he was anxious that you should do it?

*A.* No, he simply said if they offered it to take it.

*Q.* You think anxious is too strong a word?

*A.* I think it is.

*Q.* Then that he was willing?

*A.* Yes, he was willing that I should take it; of course, I do not know what his feelings may have been.

*Q.* But he told you to take it?
*A.* Yes, if it was offered.

*Q.* Had you any other conversation with Mr. Fraser on the subject?
*A.* On the subject of taking the money?

*Q.* I mean on that occasion?
*A.* I do not remember anything of it.

*Q.* Did he tell you, or Mr. Pardee tell you, of anything else that was going on?
*A.* Not that I remember.

*Q.* Did they tell you on that occasion, or up to that time—we are speaking of the Friday—that they were aware of anything that was going on?
*A.* No, they did not.

*Q.* Or that any person else had been approached?
*A.* No, I told them they were in danger of the Government being upset, and they said, "don't be alarmed, we are aware of everything."

*Q.* Did they tell you what McKim was doing?
*A.* No.

*Q.* Did they mention his name?
*A.* No.

*Q.* Was there anything else that occurred in that interview?
*A.* Nothing I can remember of.

*Q.* Whom did you next see about this matter, after your interview with Mr. Fraser and Mr. Pardee on Friday afternoon?
*A.* I do not remember.

*Q.* Did you see Mr. McKim?
*A.* I do not remember seeing him, but it was possible I did.

*Q.* Mr. Bishop?
*A.* I must have seen Bishop, because we were together very often.

*Q.* Just about that time did you always talk about the different interviews you had?
*A.* I think I did.

*Q.* He still continued to approve of everything?
*A.* I think he did.

*Q.* That the members of the Government had told you to do?
*A.* Yes, I think he did.

*Q.* What next happened after that; with whom did you have an interview?
*A.* I think it was perhaps with Kirkland, though I am not positive.

*Q.* And then after the interview with Kirkland, who next?

*A.* Well, on the Saturday I remember both Kirkland and Wilkinson being in my room.

*Q.* You had no interview until Saturday, except the one you have told us?

*A.* I had with Lynch.

*Q.* You had two interviews with Lynch?

*A.* No, I had only one.

*Q.* After your interview with Messrs. Fraser and Pardee, and your conversation with Mr. Bishop, with whom did you next have a conversation or interview in reference to this matter?

*A.* I think the next who came to see me was Wilkinson and Kirkland.

*Q.* When?

*A.* On the Saturday.

*Q.* Where did they see you?

*A.* In my room at the hotel.

*Q.* Were they with you long?

*A.* Twenty minutes or half-an-hour.

*Q.* Both together?

*A.* Yes.

*Q.* Which came in first?

*A.* I do not remember.

*Q.* After their interview with you what did you do?

*A.* On the Saturday—I do not remember.

*Q.* Did you see any member of the Government?

*A.* I do not remember; I do not think I did on the Saturday afternoon.

*Q.* You did not report this interview?

*A.* No.

*Q.* Did the members of the Government tell you to report everything that was going on?

*A.* No, they did not.

*Q.* You don't think you saw any member of the Government on Saturday?

*A.* No, I don't think I did.

*Q.* Did you tell Mr. Bishop about their visit to you?

*A.* No, I think Mr. Bishop was away on Saturday.

*Q.* Did you see Mr. McKim on that same occasion? or if not, at the time of the interview? Did he come with you?

*A.* No, I don't think he did.

*Q.* Did you see McKim after you had seen Kirkland and Wilkinson on that Saturday?

*A.* I think McKim came to my room on Saturday night.

*Q.* Did he stay long?

*A.* I do not think he stopped more than a few minutes.

*Q.* What did he say to you?

*A.* I think he said Wilkinson was going to see me that night; I remember McKim being in and saying something about Wilkinson coming to see me.

*Q.* This was after Wilkinson and Kirkland had been to see you?

*A.* Yes.

*Q.* What did he tell you to do?

*A.* I do not remember.

*Q.* Did he tell you what course you should pursue, or what you should state to them?

*A.* No, I think not.

*Q.* Did he intimate anything of the kind?

*A.* No, I don't think he did.

*Q.* Are you positive?

*A.* He may have made such a remark, but I do not remember if he did.

*Q.* Did he appear to be anxious or active about the matter at that time?

*A.* To a certain extent he did.

*Q.* At all events he told you Wilkinson was coming?

*A.* Yes.

*Q.* Did he say when he would come?

*A.* I do not remember.

*Q.* Did he say he would come that night?

*A.* I think he did.

*Q.* Did he say that he had asked Wilkinson to come to see you?

*A.* I don't remember his saying so.

*Q.* Or asking you if he would tell Mr. Wilkinson that he might come?

*A.* I don't remember his asking me any such question.

*Q.* From the course you had taken with Wilkinson and Kirkland they could only infer that you were loath and unwilling to go into the scheme, and it would be natural that they should try to find out if you were willing. They might have inferred that you were going to kick them down stairs or something of that kind, and it was only natural that he should ask McKim if he would go and see if you were willing. Do you remember McKim saying anything of the kind?

*A.* It does not occur to me that he said anything of the kind.

*Q.* Did he say, "shall I tell him to come, or that he may come?"

*A.* I do not remember any such remark.

*Q.* What did he say?

*A.* I think I remember his saying in the hotel "this man Wilkinson is coming to see you,'' or words to that effect. He said "that man Wilkinson," or "that fellow Wilkinson."

*Q.* What did you say?

*A.* I don't remember.

*Q.* Did you say all right?

*A.* I tell you distinctly I do not remember.

*Q.* Did you leave him under the impression that he should go back and tell Wilkinson that you were willing he should come?

*A.* I don't remember doing so.

*Q.* Did McKim go out then?

*A.* Yes.

*Q.* How long had he gone before Wilkinson came in?

*A.* I think he was away two or three hours.

*Q.* Then did Wilkinson come?

*A.* Yes.

*Q.* Did you order him out of the room?

*A.* No.

*Q.* Did you ask him to take a chair?

*A.* I don't know whether I told him, but at all events he didn't sit down: I may have asked him.

*Q.* How long did he stay?

*A.* About twenty minutes.

*Q.* After that interview did any person else see you on that Saturday night?

*A.* No.

*Q.* Did any person see you on Sunday, or did you see any person?

*A.* No, I don't remember seeing any of these parties on Sunday.

*Q.* Did you see any member of the Government on Sunday?

*A.* I don't think I did.

*Q.* Were you not at the Parliament when McKim was there having an interview with Messrs. Pardee and Fraser?

*A.* I don't remember being there; I have no recollection of that at all.

*Q.* Do you recollect seeing any member of the Government on Sunday?

*A.* I don't recollect seeing any member of the Government, or Mr. McKim, either.

*Q.* Or Mr. Bishop?
*A.* No, I think he was away.

*Q.* Nothing further occurred on Sunday?
*A.* No.

*Q.* Then on the following Monday whom did you see first—McKim?
*A.* I don't remember seeing McKim on Monday.

*Q.* Hadn't you an interview with Wilkinson on Monday?
A. Yes.

*Q.* Where?
*A.* In the Continental Hotel.

*Q.* Didn't McKim tell you that he was coming?
*A.* I do not remember.

*Q.* You would not say he didn't.
*A.* No.

*Q.* After the interview on Monday with Wilkinson, did you see any member of the Government?
*A.* I do not think I did; I don't remember of it.

*Q.* That was Monday the 17th?
*A.* I don't think I did.

*Q.* Up to the time the statement was made by the Attorney-General in the House, did you see no person?
*A.* I was not in the House at the time.

*Q.* You were at the hotel?
*A.* Yes.

*Q.* You were sick?
*A.* I was not very well.

*Q.* But you knew of it?
*A.* I didn't know what was going to occur.

*Q.* Did any one say that there was likely to be a vote that night?
*A.* I do not remember any person saying so.

*Q.* A vote on the timber policy?
*A.* I don't remember that they specified any particular night.

*Q.* When did you make a statement first?
*A.* The following day, I think—on the 18th.

*Q.* In the House?
*A.* Yes.

*Q.* Did you write out your statement yourself, or did a shorthand reporter take it down for you?

*A.* No.

*Q.* You were not so cautious as Mr. McKim was in that respect; did you tell any member of the Government what you were going to say before you said it?

*A.* No.

*Q.* Had you any interview with Mr. Mowat, with Mr. Fraser or Mr. Pardee before making the statement?

*A.* No, I was in the hotel and they sent for me, and I went up immediately and made the statement.

*Q.* Who came after you—McKim?

*A.* No, I think it was one of the pages of the House?

*Q.* You went immediately to the House and made a statement?

*A* Yes.

*Q.* Did you give evidence before the Committee of the House?

*A.* Yes.

*Q.* Under oath?

*A.* No.

*Q.* Did you hand it in a written statement?

*A.* No, I gave it verbally.

*Q.* The first time you was under oath was at the Police Court?

*A.* Yes.

*Q.* Did you make a complaint to Mr. Baskerville about election expenses?

*A.* No, but I would like to explain that.

The CHAIRMAN.—You can explain it in answer to the question.

Mr. MEEK.—I submit that he should answer the question first, and then give his explanation.

*Q.* Did you explain to Mr. Baskerville about your election expenses?

*A.* I don't think that Mr. Baskerville or any man, from anything I said, could say it was anything in the nature of a complaint against the Mowat Government.

*Q.* That is not answering the question; it is not what Mr. Baskerville might say, or could say, but it is what did you do; didn't you complain?

*A.* I cannot answer that question directly or distinctly by no or yes; if I answer it at all I would say no, but I would like to explain.

*Q.* Had you a conversation about election expenses?

*A.* We had.

The WITNESS.—My lords, may I not explain.?

The CHAIRMAN.—You can make an explanation on re-examination.

*Q.* You had a conversation with him?

*A.* I had several.

*Q.* When was the last one?

*A.* We were friendly and we had many; I do not know when the last one was.

*Q.* What did you say to him?

*A.* Baskerville was talking to me about my election expenses, and wondering that the party didn't assist me, and he said his party always assisted him.

*Q.* Did he begin the conversation, or you?

*A.* I think the conversation just came up incidentally.

*Q.* You are putting it as though he began the conversation by sympathising with you, is that so?

*A.* I do not know how it commenced, but he sympathised, that I can say; the conversation arose incidentally.

*Q.* You do not recollect which commenced it, you would not say?

*A.* No.

*Q.* At all events you had a talk about expenses?

*A.* Yes.

*Q.* You told him the expenses were very heavy?

*A.* Yes, I guess I did.

*Q.* And that you had to bear them, yourself?

*A.* Yes, and that I was quite able to bear them if they were ten times as much.

*Q.* Yes, but you felt rather sore about it?

*A.* I am quite able to do it.

*Q.* I am not talking about your ability; you may be worth a million, but didn't you feel sore that you had to do it?

*A.* He complained that the Government spent too much money in the Algoma election, and I said that I did not believe they had, or else why did not they do so in my own constituency

*Q.* Hadn't you felt sore that the party or the Government had not paid your election expenses?

*A.* I did not feel sore, because I did not think the Government used to do so.

*Q.* Did you express any feeling of the kind to him?

*A.* In reply to his statement about the Government expending money in Algoma, I said, if they did so why wouldn't they pay my expenses; I have plenty of men will prove what I said.

*Q.* Probably we can prove it by yourself?

*A.* I think I would act more honorably than repeating private conversation. If I were to do so, perhaps it would be more to his detriment than mine, but I will act more honorably than that.

*Q.* You think this was a private conversation?

*A.* Yes; we had several private conversations. If he wants them retailed, certainly I am not afraid of them.

*Q.* It was not a private and confidential affair, was it?

*A.* This was not, but there were other matters which were, and which were intended to injure me, and to be to my detriment. If they had not, they would not have been mentioned yesterday, I think.

*Q.* You think so?

*A.* I think so; that is my candid opinion.

*Q.* This was not a private conversation at all. Didn't you state it in several conversations? Didn't you say the same thing to Mr. Bunting? Didn't you say it at the dinner table at the hotel?

*A.* Yes, I said several times that if the Government had spent so much money in the Algoma election, they might pay my expenses. I said it in the way of retaliation.

*Q.* It was not a private affair, then?

*A.* I see in his evidence that he says I stated I was dissatisfied with the Mowat Government. I did not say anything of the kind.

*Q.* Could he infer anything else from that?

*A.* No, he could not infer that. Didn't he say himself that he never heard me say anything except what was said in the police court, and in the presence of Mr. Hart, Mr. Bishop, and others?

*Q.* You did not express dissatisfaction with the Mowat Government?

*A.* No.

*Q.* You were not in that respect dissatisfied?

*A.* No, not in the slightest.

*Q.* You said they had been paying so much in Algoma?

*A.* I did not think they did so.

By the CHAIRMAN.—*Q.* You were using that as an argument against the idea of their having paid money in Algoma?

*A.* Yes.

*Re-examined by Mr. Blake.*

*Q.* Just mention in what connection it was that your expenses in connection with your election were referred to?

*A.* Baskerville and I were in conversation, and he told me it must have cost me a great deal of money and a great loss of practice, as he said, I had a large practice—for he used to be up in my place. He asked me if the Government didn't assist me, and he said it was a curious thing, because his expenses were paid in Ottawa, and it was a curious thing that mine were not.

*Q.* Then what was it that was said in connection with Algoma?

*A.* It was during the debate on the Algoma election; we used to be chatting down stairs at the table, and Baskerville and some others used to say that the Mowat Government expended a great deal of money during the election, but I said I did not think so, for if they expended money in Algoma, why didn't they do so in my case?

*Q.* Had they spent money in your case?

*A.* No.

*Q.* And did you complain?

*A.* Nothing more than that.

*Q.* That was your argument?

*A.* Yes.

*Q.* Do you recollect, on thinking it over, which of the gentlemen it was, Mr. Bishop or Mr. McKim, that said in the interests of the country you should go on?

*A.* Mr. Bishop said that.

*Q.* Did he specify more at length, and if so mention in what way, how it would be in the interests of the country that you should go and see Mr. Bunting?

*A.* He said there was a great deal of money and corruption being used, and if that sort of thing could be brought to a close and exposed, it would be in the interests of the country.

*Q.* I didn't catch which of them it was that said there was a boiling cauldron of corruption going on at Ottawa, and Wilkinson was carrying it on here?

*A.* Bishop said that.

*Q.* Whatever your inference may be, there was nothing more said by Mr. Pardee or Mr. Fraser than to let them go ahead and see what they would do?

*A.* Yes, that is all they said; I had no knowledge of Mr. McKim doing anything, or of any other matters going on.

*Q.* Then in answer to Mr. Caswell, in regard to Kirkland, you said that he and Wilkinson seemed to have a common interest at one interview. Had the Mowat Government a defined timber policy?

*A.* Yes.

*Q.* And would these suggestions which were being made by Kirkland interfere with that policy?

*A.* They would.

*Q.* Were you aware, as a matter of fact, whether the Mowat Government would assent to what Kirkland was desiring of them or not?

*A.* I was not aware.

*Q.* You didn't investigate that?

*A.* No.

*Q.* Nothing further passed beetween you and Mr. Baskerville, that is of moment? Mr. Baskerville answered questions yesterday without any statement of their being private?

*A.* A great many conversations took place between us, but I do not think they have any bearing upon this case; it is a matter of friendship, and I shall not be as dishonourable as I think he was.

*Q.* Who was it first mentioned about the question of Coalition?

*A.* I think it was Wilkinson.

*Q.* Was that communicated to you by anyone else?

*A.* By Mr. Bunting.

*Q.* In the conversation at the *Mail* office?

*A.* Yes.

*Q.* Was it stated why there was to be a Coalition?

*A.* Both stated that party politics had been carried too far in this Province, and that it would be in the interest of the Province to have a Coalition.

*Q.* He didn't suggest to you that there was to be a Coalition at Ottawa as well as Ontario?

*A.* No, he never suggested that.

By Mr. CASWELL.—*Q.* In answer to Mr. Blake, you said the Local Government had a timber policy? Explain what it was.

*A.* I am not thoroughly posted.

*Q.* Can you give us in a general way the timber policy of the Government?

*A.* Well, that the timber limits are put up at public auction at certain times, and when the timber is taken from the land, the land reverts to the Crown.

*Q.* The land never belonged to the person holding the timber limit?

*A.* No.

*Q.* He would be simply a licensee?

*A.* Yes, I understand that is the policy.

*Q.* The Government would sell the timber license—put it up by auction?

*A.* Yes.

*Q.* Has that always been their policy?

*A.* I think that is their general policy, but I am not an old politician.

*Q.* You have been connected with politics ten years, have you not?

*A.* No, not for more than half that time.

*Q.* You do not know anything about selling it without advertising?

*A.* No, I think it is in Ottawa where they do that sort of thing.

*Q.* You don't know about their selling licenses without advertising?

*A.* I do not think that is generally the case.

*Q.* Do you remember when Mr. Scott was in the Crown Lands Department?

*A.* No, I don't remember anything about that.

ARCHIBALD BISHOP, called by Mr. Blake and sworn:

*Q.* You are a member of the Local Legislature of Ontario?

*A.* Yes.

*Q.* For what riding?

*A.* South Huron.

*Q.* Were you present at the last session?

*A.* Yes.

*Q.* You are a member of the Reform party?

*A.* Yes.

*Q.* Do you recollect seeing Dr. Dowling at any time last session?

*A.* Yes, he stayed at the Continental Hotel where I stayed.

*Q.* Did you call upon him in company with anybody?

*A.* Yes, on the 13th of March Mr. McKim asked me to go and show him his room, I agreed to do so and went down with him.

*Q.* You showed him the room; did you do anything else?

*A.* I went in with him.

By the CHAIRMAN.—*Q.* To show Mr. McKim his room?

*A.* Yes.

By Mr. BLAKE.—*Q.* A conversation took place?

*A.* Yes, I went in. I was laughing; McKim had been keeping me posted during the session. He said they thought they would buy Dr. Dowling. I thought he was joking and I went in laughing, and the Dr. asked me what I was laughing at. I said it would surprise him when I told him what was going on, and he said, "what is it." I said "these Tories think they can buy up enough of us poor Grits to turn out the Mowat Government and put in Meredith." He said, "whom did they intend to buy." I said, "You will be surprised to hear that they intend to buy you." He said, "is that the opinion they hold of me?" "Well," he said, "I wouldn't have anything at all to do with the business if there is to be anything crooked in it." I said, "McKim will tell you what he wants and then you will see whether it is crooked or not." I said, "you are in a dangerous condition, and dangerous diseases require dangerous remedies." The doctor seemed a little scared and white, as if he thought we were going to lay a trap for him. I told him there was no trap; that there was no danger, as the Government knew what was going on; and if he thought we were putting him in a trap he had better see some members of the Government so as to assure himself. McKim told him what he wanted, and he looked at me again and said, "now I don't want to have anything to do with this." I said, "you may be sure it is rather a strange business, but to go on, for my opinion is this, that this is only the scummings of a boiling cauldron of corruption at Ottawa, which were overflowing here, and I said if you can do anything to put a stop to it it will be for the good of the country and for the good of the party

*Q.* He went down

*A* McKim said to me, you had better go, but I said, I am too rabid a Grit, and there are no protests hanging over my head, and I am not in financial difficulties, so they will not take me

*Q.* They did not try you?

*A.* No, I didn't know anything more than in regard to Dr. Dowling.

*Q.* Had you heard anything about any approaches being made to members until this occasion when you were with McKim?

*A.* Well, McKim had kept me pretty well posted.

*Q.* Had you heard it in any other way ?

*A.* Not particularly ; I had heard it whispered and hinted ; one of the Opposition members, I think either on the Thursday or Friday said to Monk, the Opposition whip "Bishop is going to come to us." Monk shook hands with me and said, "we will be glad to have him." I laughed and said, "well, it will be a turn-out of the Government side, sure."

*Q.* Beyond that you had no knowledge or intimation ?

*A.* No, not from the parties themselves ; it was merely hearsay.

*Q.* Did you know Wilkinson ?

*A.* I never saw him until I saw him at the police court.

*Q.* Did you know Bunting ?

*A.* I have seen him, but never spoke to him.

*Q.* Did you see him in the earlier part of the session ?

*A.* Yes, he was often down at the House.

*Q.* But you never spoke to him ?

*A.* No.

*Q.* They knew you were rabid ?

*A.* Well, I don't know ; they treated me that way

By Mr. MEEK.—*Q.* How did you know what was going on

*A.* From reports ; McKim gave me the most information.

*Q.* When did he first give you any information ?

*A.* I could not say as to the date, but it was some time before that—before the 13th of March.

*Q.* Long before ?

*A.* I would say two or three weeks.

*Q.* That was the first he told you ?

*A.* Yes.

*Q.* Was that the first you knew of anything going wrong or likely to go wrong ?

*A.* No, although that was the first definite news ; I was under the impression—I always surmised there was something.

*Q.* Did you hear from any member of the Government about anything ?

*A.* No, I did not.

*Q.* Never at any time ?

*A.* No.

*Q.* You had no interview with Mr. Fraser or Mr. Pardee ?

*A.* No.

*Q.* Never spoke to either of them ?

*A.* Not about that ; well, afterwards I did speak to them ; I said if they could do without Dr. Dowling again at the police court, as he was rather ill.

*Q*. Did you ask them whether Dowling was to go to see Wilkinson?

*A*. No.

*Q*. You advised Dowling to go?

*A*. Well, I thought it would be as well

*Q*. Did McKim advise him to go?

*A*. Yes he spoke to him in that kind of way; he would rather he would go, but he did not insist strongly.

*Q*, It was from what McKim told you that you came to the conclusion that there was some of the scummings of this boiling cauldron that came over to Toronto?

*A*. Yes, in the shape of thousand dollar bills.

*Q*. Did McKim speak of any thousand dollar bills before the 17th of March?

*A*. He spoke of money and positions—thousands of dollars of money.

*Q*. Did he think it was a wave of corruption; was he anxious to get at the bottom of it?

*A*. He was anxious to catch them if he could.

*Q*. Who did he say had employed him?

*A*. He didn't say anybody had employed him.

*Q*. Under whose authority or direction was he acting?

*A*. I think he was acting under his own.

*Q*. He was a spy on his own account?

*A*. You can call it that if you please. All I can say is that from what he told me he was very much insulted, because he said that because he was broken down financially these Tories thought he could be bought, that they thought they could catch him, but that he would catch them before he was through.

*Q*. It was on account of his indignation that he was pursuing the matter?

*A*. I think so.

*Q*. Did the fever seem to abate in the matter at all, or did it keep on?

*A*. I think it is pretty well abated now.

*Q*. But at that time?

*A*. He was doing his best to catch them, I think.

*Q*. Did he tell you from time to time what he was doing?

*A*. Yes, after telling me the first time.

*Q*. Did you advise him?

*A*. I didn't think he needed advice; I thought he knew more about it than I did.

*Q*. He knew more about that kind of business than you did? on the principle that a rogue might catch a rogue?

*A*. I didn't consider him a rogue, but a respectable man.

*Q.* Did you know him?

*A.* Yes, for a long time.

Q. As a member of the House?

*A.* Yes.

*Q.* Not in any other way?

*A.* No.

*Q.* You have had no business connections with him?

*A.* No, but I have heard him very highly spoken of.

*Q.* And you have heard him spoken of very much in the opposite way?

*A.* No, I never did.

*Q.* You have read the papers?

*A.* Well, reading is not hearing, in my opinion.

*Q.* You must have spoken to people of another stripe?

*A.* Well, it was a Conservative that I heard. It was Mr. Smillie, Manager of the Huron and Erie, in London.

*Q.* When was that?

*A.* Every time I was doing business with Mr. Smillie.

*Q.* What occasion had he to speak about McKim?

*A.* Because McKim was doing business with his company.

*Q.* And it was simply through McKim that you knew the Government knew all about it?

*A.* That was how I knew it.

*Q.* Did Mckim report to you from time to time what he was doing?

*A.* Not from time to time, but as we were walking down to the House he would tell me.

*Q.* Did you live at the same hotel?

*A.* No.

*Q.* Did you meet every day?

*A.* Yes, at the House.

*Q.* But to speak to each other?

*A.* No, except occasionally.

*Q.* What hotel were you at?

*A.* The Continental.

By Mr. Caswell—*Q.* What authority had you for thinking that there was a boiling cauldron at Ottawa?

*A.* That was my opinion.

*Q.* From what did you form that opinion?

*A.* From the papers.

*Q.* What papers do you read?

*A.* The *Mail* and the *Globe.*

*Q.* What paper did you form that conclusion from?

*A.* Mostly from the *Globe.*

*Q.* Did you give that as an opinion or as a fact?

*A.* I gave it as my opinion.

*Q.* Dr. Dowling I understood, put it the other way—that there was a boiling cauldron of corruption; you prefaced it with the words, "it is my opinion?"

*A.* I believe I did.

*Q.* You have no means of knowing that there is anything of the kind except by the newspapers?

*A.* Well, everyone comes to their own opinion about these things, and that is mine.

*Q.* You formed the opinion from the newspapers?

*A.* Yes, from reports.

*Q.* Has this boiling cauldron been there for a long time?

*A.* Well, it seems to be getting larger.

*Q.* Has it been there during the present administration at Ottawa?

*A.* I think it has.

*Q.* Do you think it was there just before that time?

*A.* Well, it had gone out considerably at that time.

*Q.* Do you say it had gone out?

*A.* Pretty nearly, for the five years.

*Q.* It hadn't ceased altogether? How did you form the opinion of its going out, did you form that from the *Globe*?

The Chairman—What is the use of continuing this examination? It is Mr. Bishop's opinion, but it is not stated as a fact.

*Q.* You say that McKim for two weeks prior told you what was going on?

*A.* I would not swear to two or three weeks, but for some time.

*Q.* Did he give you any details of what was going on?

*A.* Yes, he spoke about these parties trying to buy up members at the first of the session, then it quieted a little, and then it commenced again.

*Q.* Did he indicate who the parties were who were doing it?

*A.* Oh, yes, he gave me names.

*Q.* Did he tell you he had been trying to get money from any of these men?

*A.* No.

*Q.* Did he ever mention Kirkland's name?

*A.* Yes, Kirkland, Wilkinson, Meek and Bunting.

*Q.* He didn't tell you he asked for two thousand dollars from Kirkland?

*A.* No.

*Q.* Did he tell you Kirkland had offered him money?

*A.* He told me he had been offered money.

*Q.* Did he tell you by whom?

*A.* I could not say whether it was by Wilkinson or Kirkland; I did not pay particular attention to the different names. I understood that there was money going to those willing to take it.

*Q.* Did he tell you that any person offered him money?

*A.* Yes, I think he told me there was money offered to a small amount, and some office at some place away up in the North-West, as well, possibly worth considerably more in that way than in the shape of money.

*Q.* Did he tell you he asked Kirkland for any money?

*A.* No, he did not.

JAMES MARSHALL FERRIS, called by Mr. Blake, and sworn.

*Q.* You are a member of the Legislature of Ontario?

*A.* I am.

*Q.* And have been for some years past?

*A.* Yes.

*Q.* For what constituency?

*A.* East Northumberland.

*Q.* Were you present at the last session?

*A.* Yes.

*Q.* You are a member of the Reform party?

*A.* Yes.

*Q.* Do you know Mr. Wilkinson?

*A.* I do.

*Q.* When did you first become acquainted with him?

*A.* I think some seven or eight years ago.

*Q.* Where has he resided latterly?

*A.* In Cobourg.

*Q.* Is that in your constituency?

*A.* No, his residence is in West Northumberland, but his employment has been principally in East Northumberland.

*Q.* What has been his employment?

*A.* He has been one of the Commissioners for buying the right of way for the Murray Canal and the Trent River Canal.

*Q.* During what period of time was he thus employed?

*A.* Well, I think at least for the last year—not regularly, but by the day, paid for the days he was engaged at work.

*Q.* In whose employ was he?

*A.* The Dominion Government.

*Q.* Do you know where he is now; is he residing in Cobourg?

*A.* I do not know; I think he is not residing in Cobourg.

*Q.* You haven't seen him?

*A.* No.

*Q.* Do you know how he is employed at present?

*A.* I have heard that he has some employment out West.

*Q.* During the past nine or ten years have you taken an active interest in politics or not?

*A.* I have taken an active interest.

*Q.* Reasonably active or very active?

*A.* Reasonably active, from my point of view.

*Q.* And from the point of view of your opponents?

*A.* Reasonably active, too.

*Q.* And as to Mr. Wilkinson?

*A.* I think he has been reasonably active.

*Q.* On the same side?

*A.* No, I usually met him on the other side.

*Q.* Did you see him at the House?

*A.* I don't remember seeing him at the House, but I knew he was in the city; I saw him during the last session of the House. I knew he was here.

*Q.* Were you aware of any approaches being made to any members of the Reform party? supporters of Mr. Mowat?

*A.* I was aware by the conversation of one member with another, and conversing with other members.

*Q.* When did you first hear it in that way?

*A.* Immediately on the assembling of the House.

*Q.* How long did these rumours continue?

*A.* They continued during the first ten days, or during the debate on the Address, but after that there seemed to be a lull.

*Q.* And when were they renewed, if they were renewed at all?

*A.* Well, I cannot speak of the date, but about the time this timber policy resolution was to be brought forward; I think on the Monday or Tuesday following the Sunday which was referred to.

*Q.* How long before the *denouement* occurred?

*A.* Three or four days.

*Q.* You spoke of a resolution on the timber policy; what do you know of that?

*A.* I know it was expected that a resolution was to be brought forward; I understood that from Mr. Kirkland—that it was to be brought forward by the Opposition.

*Q.* When did Mr. Kirkland tell you that?

*A.* I think it was on the morning prior to his arrest.

*Q.* He was arrested on the Monday?

*A.* I think it was on the Monday morning, walking down with me to the House. That was not the first time we had had a conversation.

*Q.* But he told you definitely on that morning that the resolution would be brought forward?

*A.* Yes, we walked down together, and he said in conversation that the session was evidently drawing to a close, that the business was rushing, that it could not last much longer, and he was afraid he would scarcely get time to have his resolution discussed. I said, "if you are going to have a resolution discussed, I don't think there is much time to be lost in having it done."

*Q.* That was not the first time you had had a conversation with Kirkland on the subject?

*A.* No.

*Q.* Do you recollect when was the preceding one?

*A.* Nearly every day; I would see him nearly every day. We were boarding at the same hotel, and our rooms were adjacent, and he was in my rooms frequently, talking over the timber policy and discussing the better policy which he thought should prevail.

*Q.* Did you know before Monday, and if so, how long before Monday, that it was proposed to bring forward a resolution on the subject?

*A.* Well, I knew for some time that Kirkland was desirous of having a resolution brought forward, but I didn't know until that Monday that it was to be brought forward as a party measure.

*Q.* Did he tell you that on that Monday?

*A.* No, he left me, saying that he was going to see Meredith and get him to hurry up, lest there should not be time to discuss it.

*Q.* Did you know from anybody else anything about the resolution to be brought up on the timber policy?

*A.* No, I did not know other than that the circumstances all pointed to that being the ground of assault. The proceedings before the Public Accounts Committee all seemed to me to make capital for an assault on the Crown Lands Department.

*Q.* You didn't know, except from these circumstances, whether they were of much weight or not; you didn't know from any other matter that that was to be the ground of attack, or that they were going to propose a resolution?

*A.* I didn't know it from any person likely to introduce the resolution. We all seemed to know that that would be the ground of attack.

*Q.* Was there any protest against your election?

*A.* Yes.

*Q.* And at this time was the trial of your case over?

*A.* Yes.

*Q.* Disposed of in your favour?

*A.* Yes.

*Q.* Was anything in the shape of an approach made to you?

*A.* Well, yes, I think it was in the shape of an approach, I thought it was in that shape.

*Q.* What shape did it take?

*A.* Well, I don't know whether I might call it an approach or not, because I don't know whether the person who spoke to me had any authority to speak in the matter at all or not. It was not a person in public life who spoke to me.

*Q.* Was he a Conservative or a Reformer?

*A.* A Conservative.

*Q.* In your constituency?

*A.* Yes, he resides in my constituency, or rather his business is in my constituency; he lives in Toronto.

*Q.* What was the nature of the statement that was made to you?

*A.* Nearly the same as Mr. Bunting had spoken of before—that party lines were too strongly drawn, and that the tension of party could not exist as it was, and that it would be far better that there should be a cessation of this high strung politics, and a moderate party established; and, of course, as I was a moderate man, that I ought to belong to that party.

*Q.* And did you accept the statement of your being a moderate man

*A.* Oh yes, I accepted that statement.

*Q.* Did you believe that to be true?

*A.* Yes, I am a very moderate man.

*Q.* And did you go in at all for this Coalition?

*A.* No, nothing further than that I heard what was to be said.

*Q.* Was there anything further passed—any other conversation in connection with it?

*A.* I just felt this, that if I had drawn out, or seemed to listen to the proposals, they were ready to make the proposals, but inasmuch as I did not, they did not take any tangible shape.

*Q.* How did the interview end, then.

*A.* The interview ended with the gentleman saying he would see me again.

*Q.* And did he?

*A.* No, he tried to see me again, and wrote a note once or twice asking to see me, but I declined.

*Q.* Any place mentioned to meet?

*A.* Yes.

*Q.* Where was it?

*A.* The Club Chambers.

*Q.* And what date would that be?

*A.* I got a note on the Sunday preceding that Monday night.

*Q.* That was the 16th?

*A.* It would be on the Sunday preceding that Monday, at any rate.

*Q.* And did you go into the Club Chambers?

*A.* No, I did not.

*Q.* So that you did not give any heed, apparently, to what was said?

*A.* No.

*Q.* Did you ever meet a Mr. Stimson?

*A.* Not to my knowledge.

*Q.* Or Mr. Lynch?

*A.* Not to my knowledge.

*Q.* Where was it you were boarding?

*A.* At the Rossin House.

By Mr. CASWELL—*Q.* You know Mr. Kirkland intimately, I suppose?

*A.* Very well.

*Q.* Did he make any improper approach to you?

*A.* He did not.

*Q.* He acted towards you as a gentleman, didn't he?

*A.* Yes, he did.

*Q.* He never asked you to do anything improper, or to change your side?

*A.* No, he did not.

*Q.* He did not ask you to vote against the Government, or anything of that kind?

*A.* Never mentioned voting—discussing the policy of the Government

*Q.* And he often discussed that with you?

*A.* Oh, yes.

*Q.* And I suppose tried to convince you that it was a reasonable thing he asked of you?

*A.* Yes.

*Q.* You speak of him speaking about a resolution to be introduced on the morning he was arrested?

*A.* Yes.

*Q.* And he mentioned Mr. Meredith's name in connection with it?

*A.* Yes.

*Q.* Well, what was said, as near as you can tell us?

*A.* We discussed the matter of his policy walking down from the Rossin House to the House, and as we got down to the House it turned out that the duration of the session was the subject, and I said I thought the session would close in a few days, and that he would not have much time for his resolution, now that the Government would probably take all the time: "well," he said, "I will go over and see Mr. Meredith at once."

*Q.* I suppose it was on account of your statement about the end of the session?

*A.* I suppose it was.

*Q.* I suppose it is usual for the Government to take most of the time towards the close of the session?

*A.* Yes, it is always the case.

*Q.* Did he give you to believe that there was anything going on between him and Mr. Meredith—anything improper?

*A.* Not at all; the only impression I got was that Mr. Meredith was in possession of the policy that he thought should prevail.

*Q.* That gentleman that you mention asked you to go to the Club Chambers was not any of the parties connected with this inquiry—Mr. Bunting, or Mr. Meek, or Mr. Wilkinson, or Mr. Kirkland?

*A.* No.

*Q.* I suppose Club Chambers is a hotel?

*A.* I believe it is a kind of private hotel.

*Q.* It is not a place where persons of only one party stop?

*A.* I understand that any persons who please may go there.

*Q.* What I mean is, you do not understand it to be the headquarters of any one party?

*A.* No.

Mr. Blake.—I should like the names of Thomas A. Keefer, John Shields, F. Stimson, and Thomas Marks be called.

Mr. Hector Cameron.—In reference to Thomas A. Keefer, I may state what I communicated to Mr. Johnston. I received a letter a few days ago from Mr. Keefer, stating that it would be impossible for him to be here on the day named, as he had some important engagements with gentlemen from the States connected with mining matters, but that he would be here on the 21st. I merely mention this to explain why he is not here.

The Chairman.—I suppose if he is here on the 21st, that would be time enough for the examination.

Mr. MEEK.—Have all these men been subpœnaed?

Mr. BLAKE.—Thomas A. Keefer, John Shields and Thomas Marks have been subpœnaed.

Mr. MEEK.—F. Stimson has not.

Mr. BLAKE.—He could not be found.

Mr. MEEK.—I submit that his name cannot be called.

The CHAIRMAN.—If he has not been subpœnaed, it cannot.

The names of Thomas A. Keefer, John Shields, and Thomas Marks were then called, to which there was no response.

The CHAIRMAN.—Stimson's name may be called to ascertain if he is in Court.

The name of F. Stimson was then called, to which there was no response.

JOHN HENRY POPE, called by Mr. Blake, and sworn:

*Q.* You are a member of the Dominion Parliament, Mr. Pope?
*A.* I am, sir.

*Q.* And what is your position in the Government?
*A.* Minister of Agriculture.

*Q.* Anything more just at present?
*A.* Yes, acting Minister of Railways and Canals.

*Q.* How long have you been Acting Minister of Railways and Canals?
*A.* This time?

*Q.* Yes?
*A.* I suppose from about the last of May last.

*Q.* I presume from your answer that you had been on previous occasions Acting Minister of Railways?
*A.* Yes, two or three.

*Q.* Then prior to May, when had you been Acting Minister of Railways
*A.* I think in 1881—I am not quite sure about that—1882, and 1883. I will not say positively 1881.

*Q.* You are not positive about '81, but you are about '82 and '83?
*A.* Yes.

*Q.* How long have you been Minister of Agriculture?
*A.* Since 1878; I was previously, some years ago.

*Q.* Were you present during the whole of the last session of the Dominion Parliament?
*A.* I was not. My health was very poor. I very seldom attended at all in the evening, and the latter part I was obliged to go away.

*Q.* Do you recollect when the House began to sit?
*A.* In January, I think.

*Q.* And do you recollect when it closed?

*A.* I could not say.

*Q.* Are you not in good health now; would you rather sit down?

*A.* I would rather sit down. (Mr. Blake gave the witness a chair.)

*Q.* Do you recollect when the session closed?

*A.* I think it was in May.

*Q.* Do you recollect how long before the close of the session you were obliged to leave?

*A.* I do not recollect, but I think it must have been the first of April or the last of March.

*Q.* And from that period did you remain continuously absent from Ottawa?

*A.* Yes.

*Q.* The whole time?

*A.* The whole time; of course longer than till the last of the session.

*Q.* Did you leave the Dominion?

*A.* I did for a little while; I think perhaps I was away three or four weeks, perhaps a month.

*Q.* At all events, you did not return to Ottawa at all after the end of March or the first of April?

*A.* No.

*Q.* For a considerable time after the close of the session?

*A.* No. Of course I was in the Dominion the latter part of that time. I was at my home.

*Q.* Where is your home?

*A.* In the County of Compton, in Cookshire.

*Q.* In the Eastern Townships?

*A.* Yes.

*Q.* Then, were you in New York in the month of March?

*A.* I think it might have been March. I am not quite sure whether it was in March, but when I went away, I was going south as far as I could. It was getting late in the season, and I durst not go too far. I was there probably a week, or it may not have been more than four days.

*Q.* And from New York where did you go?

*A.* I went to Philadelphia by easy journeys, and then to Washington.

*Q.* And you cannot give me any nearer the date, than that you think that was in the month of March?

*A.* No, I cannot.

*Q.* Do you know a Mr. Frederick Stimson?
*A.* Yes.

*Q.* Did you journey with him to New York?
*A.* No.

*Q.* Did you meet him there?
*A.* No.

*Q.* Was he in New York at the same time?
*A.* Not that I know of.

*Q.* Did you meet him in the United States?
*A.* No.

*Q.* Did you meet him in Canada?
*A.* No—oh, I met him in Canada; I saw him in Ottawa.

*Q.* Do you recollect what the period of your seeing him in Ottawa was?
*A.* I do not know the date—when he first came down from the North-West.

*Q.* Was that in the month of March, that you recollect, or if not, what other time?
*A.* I cannot fix the date, but I should think it might have been in February.

*Q.* And if it was not in February, would it be in March?
*A.* Yes.

*Q.* It was either of those two months?
*A.* Yes.

*Q.* What had he been doing in the North-West?
*A.* He, with others, have a ranch company—raising cattle.

*Q.* What portion of the North-West?
*A.* I could not tell you.

*Q.* As nearly as you can?
*A.* Well, I could not tell you.

*Q.* Couldn't you give the nearest place to where his ranch is?
*A.* I should not think it was very far from Fort McLeod—but I could not tell you.

*Q.* That is, so far as you know, the nearest place or locality known to his ranch is Fort McLeod?
*A.* Well, I do not know. I should think it was not far from there.

*Q.* Do you know the name of the company?
*A.* No, I do not.

*Q.* Who, in addition to Mr. Stimson, are interested?
*A.* Well, I know of Andrew Allan and Captain Milburn.

*Q.* It is that same ranch?

*A.* Yes.

*Q.* Do you know whether as a matter of fact he is a partner in it or the manager of it?

*A.* I should think he was both.

*Q.* I believe that is correct. And do you not know any other person interested in the ranch besides these three?

*A.* I should think there are others, but I do not know who they are.

*Q.* How long before that had you seen Mr. Stimson—before this period in February or March?

*A.* I should think it was two years.

*Q.* Had he been that length of time in the North-West?

*A.* My impression is two years—I won't say positively—perhaps less than two years, but somewhere in that neighborhood.

*Q.* Had he been up in the North-West during those two years?

*A.* Well, not in the North-West, if he was purchasing cattle on the other side of the line.

*Q.* But either in the North-West or purchasing cattle in the northern portion of the Continent?

*A.* Yes, I think so.

*Q.* Then, prior to that had you seen or known Mr. Stimson?

*A.* Yes, I had known him.

*Q.* Where had he resided?

*A.* In Compton.

*Q.* In the same place where you reside?

*A.* In the same county—not in the same place.

*Q.* And how many years had you known him?

*A.* Well, I could not say that. I should suppose it must have been more than ten years. I knew his father before him.

*Q.* Was he as described, a tall man with rather stooping shoulders?

*A.* You mean this Stimson?

*Q.* Yes.

*A.* Well, I should think medium height.

*Q.* Would you recognize him from his photograph, do you think (showing)?

*A.* Yes, I think it is very much like him.

*Q.* Which of these do you think is most like him?

*A.* They both resemble him. I would not swear it was him, but they both resemble him.

*Q.* You would not be surprised to be told that this is his photograph ?

*A.* No.

*Q.* Do you think both were taken about the same period ?

*A.* I should think so, although I would not say positively.

*Q.* That, at all events, is the person you know as Frederick Stimson ?

*A.* I think it resembles him.

*Q.* You have no reason to know that is not Frederick Stimson ?

*A.* No.

*Q.* What was the position of Stimson in Compton when you first knew him ten years ago ?

*A.* I should think at that time he was a farmer.

*Q.* Then, when had you first any dealings or transactions with him ?

*A.* I never had any.

*Q.* Had he ever to go up to Ottawa from Compton ?

*A.* He was at Ottawa at the time he was getting the lease of his lands. He was there for some time.

*Q.* How long ago would that be ?

*A.* It would be about the time he went out there first. As I say, I cannot give the date—it might be two years.

*Q.* Had you seen him in Ottawa prior to the period of his being there two years ago?

*A.* I do not think so. I have no recollection of it.

*Q.* Was that the first application he had made for a ranch ?

*A.* I think so—the first that came to my knowledge.

*Q.* Do you recollect whether a ranch had been given to Mr. Stimson, of Cassel, Stimson & Company, of Montreal, the people who failed recently—is that any relation of this Stimson ?

*A.* He is a brother, I believe.

*Q.* That is the case, I believe. Are you aware whether a ranch was given to them or not ?

*A.* I am not aware.

*Q.* And you do not know whether that Stimson had anything to do with this ranch ?

*A.* No.

*Q.* Did he remain a farmer in Compton until he went to Ottawa and went on the ranch ?

*A.* He remained a farmer. His father was pretty wealthy, and he was not a man that worked at farming.

*Q.* What would he do ?

*A.* He oversaw his farm and used to travel about. I do not think he ever worked much at farming—I do not know.

*Q.* His father was reasonably well off, and he had a son that spent a little of his money, perhaps?

*A.* He sent him to the Continent, as I was told.

*Q.* Then he came to Ottawa, and you say you do not recollect seeing him there until about two years ago, when he was applying for the ranch; and do you recollect how long he remained there?

*A.* I think he remained a long time.

*Q.* Do you know whether he was seeking for anything except this ranch?

*A.* I never heard of it.

*Q.* Who was then controlling the department to which he would apply

*A.* Sir John Macdonald.

*Q.* And is that so at the present moment—does he still control the department?

*A.* He is acting now

*Q.* And who has control of that department?

*A.* Mr. Macpherson.

*Q.* Do you recollect how long before you left for New York on account of your health, in 1884, was it that Mr. Stimson had come down from the North-West?

*A.* I do not know, but it was some considerable time.

*Q* Do you know a Mr Wilkinson, Mr. Pope—J. A. Wilkinson?

*A.* Yes, I have seen him.

*Q.* I forgot to ask you whether you ever knew that Mr. Stimson had any other name but Stimson?

*A.* No

*Q.* You never heard of any other name?

*A.* No.

*Q.* Or heard that he assumed another name?

*A.* I heard a rumor of it.

*Q.* When did you first hear the rumor?

*A.* I could not tell you, but it is not very long ago.

*Q.* Do you recollect whether it was before or after you left for New York?

*A.* Oh, it must have been after.

*Q.* Are you sure of that?

*A.* Oh, yes.

*Q.* Perhaps you can recollect where it was you first heard of it?

*A.* Oh, I cannot. It was just a chance rumor.

*Q.* And the chance rumor gave him what other name?

*A* Instead of Stimson, I heard that he was charged with having assumed the name of Lynch

*Q.* Well, after you saw Mr. Stimson on this occasion in Ottawa, when did you next see him?
*A.* I have not seen him since.

*Q.* Have you ever had any communication with him since?
*A.* None.

*Q.* By letter, telegram, or in any way?
*A.* No.

*Q.* What is the position called that Mr. Wilkinson has at the present moment?
*A.* I do not think he has any position; I do not know.

*Q.* No position under the Dominion Government?
*A.* Not that I know of.

*Q.* You would know if he had any position?
*A.* Well, I might not; but, I think that I should.

*Q.* Did you see Mr. Wilkinson in Ottawa before you left for New York
*A.* Well, I saw him in the fall, I think.

*Q.* In the fall of 1883?
*A.* Yes.

*Q.* And did you not see him in 1884 in Ottawa?
*A.* No, I do not think I did.

*Q.* Then, what office was it he held under the Dominion Government in 1883?
*A.* In 1883 he was employed as valuator.

*Q.* In whose department would that employment be?
*A.* It would be in the Department of Railways and Canals.

*Q.* Then, who, during the period of time that he was employed as valuator, would be the head of that department?
*A.* Sir Charles Tupper.

*Q.* Did you assume when Sir Charles Tupper ceased?
*A.* Yes.

*Q.* Did he hold that office during the whole of 1883?
*A.* Certainly.

*Q.* In such matters as the employment of Mr. Wilkinson, is it the head of the department or the assistant, or who is it in the department that employs?
*A.* It is generally done on the recommendation of the Chief Engineer, and assented to by the Minister.

*Q.* By the head of the department?
*A.* Yes.

*Q.* And do you know whether as a matter of fact in this case that was done?

*A.* Oh, I have no doubt of it.

*Q.* In these appointments, is there any Order-in-Council passed, or is it a matter within the power of the head of the department?

*A.* I think there is an Order-in-Council passed; there generally is, not that it is absolutely necessary, but I think that is the practice.

*Q.* Would you be present at the meeting of Council where this order would be passed, or could you speak definitely on that?

*A.* No.

*Q.* Well, it is said that Mr. Wilkinson is now employed in inspecting certain lands of the Government in the North-West; do you know anything of that, as a matter of fact?

*A.* I do not know.

*Q.* In whose department, as it stands at present, would that employment be?

*A.* It would be in the Department of the Interior.

*Q.* And who is the head of that?

*A.* Mr. Macpherson.

*Q.* And has been for what length of time?

*A.* Well, I should think for eight or ten months.

*Q.* Mr. Macpherson is not now I believe at Ottawa?

*A.* No.

*Q.* Do you know where he is?

*A.* I understood that he was going to Hamburg, a place that he has visited for years on account of his health, on account of some affliction that he has.

*Q.* Do you know when he was supposed to return?

*A.* No, I do not; I suppose that depended on his health.

*Q.* When did he return last year; do you think it was in September or October?

*A.* I think in September, but I do not know that.

*Q* I thought on leaving, he may have given some intimation of the time of his return?

*A.* No.

*Q.* So that about that employment we must get the information from Mr. Macpherson, or we must get the Order-in-Council?

*A.* My own opinion is that there is no employment.

*Q.* But if there be employment, it would be from either of these we might learn the fact?

*A.* Yes.

*Q.* As a matter of fact, have your deputies power to make these appointments?

*A.* No, they have not, as a rule.

*Q.* That is a matter submitted to the head, and then decided by Order-in-Council?

*A.* Ordinarily—not always.

*Q.* You have no settled rule; it is a matter left a good deal to the conclusion of the chief?

*A.* A good deal; but it is the practice that anything of any consequence is done by Order-in-Council.

*Q.* Who is the Clerk of the Council?

*A.* Mr. Magee.

*Q.* And has been for the past year?

*A.* Yes.

*Q.* When these persons are employed, by what means are the payments made to them?

*A.* They are made out of the appropriations for the work for which they are employed.

*Q.* Then, how is it the moneys are paid?

*A.* They are paid by the department.

*Q.* What is the means of transferring the money from the appropriation into the pocket of the person who is entitled to receive it?

*A.* That is done by Order-in-Council—no, it is done by the department; the first thing is, the appointment is made by Order-in-Council, and then the department pay them.

*Q.* Is it by cheque invariably that the money is paid, or how otherwise?

*A.* Generally by cheque.

*Q.* And that is a matter, I suppose, for the deputy of the department.

*A.* Yes, the deputy of the department, or probably the Auditor-General.

*Q.* Well, who signs all these cheques?

*A.* The deputy.

*Q.* That is, the deputy of the department signs them, and the Auditor——?

*A.* Pays them.

*Q.* Doesn't the Auditor countersign?

*A.* I cannot say as to that.

*Q.* Isn't there some countersigning of the cheque?

*A.* There would be some, but I am not familiar with that department.

*Q.* Isn't there one rule for all?

*A.* Yes, but I am not familiar with the paraphernalia of the auditing department.

*Q.* In your own department, for instance, who signs the cheques?

*A.* That would be the deputy.

*Q.* And is there any countersigning?

*A.* I do not think so; possibly the Secretary might.

*Q.* So that, according to your recollection, the money is paid out on the signature of the Deputy and some other officer, the Secretary, you think?

*A.* Yes.

*Q.* Do you know, as a matter of fact, apart from Mr. Wilkinson having any employment or not, whether there has been any office of Inspector of Lands in the North-West?

*A.* I do not know that there has been an officer called Inspector of Lands.

*Q.* Inspector of Colonization Lands?

*A.* I cannot say exactly what he is called. Mr. Stephenson is an officer to see whether people have settled.

*Q.* I was wrong in omitting the word Colonization—it is Inspector of Colonization Lands?

*A.* I think so.

*Q.* Do you recollect who has been appointed to that?

*A.* I think Mr. Stephenson, but I am not sure.

*Q.* I thought it was Mr. H. H. Smith?

Mr. HECTOR CAMERON.—Mr. Smith is Inspector of Agencies.

Mr. BLAKE.—We will have to put you in the box.

Mr. CAMERON.—I saw it in the *Globe*—I am not sure of it.

Mr. BLAKE (to witness).—Hasn't Mr. H. H. Smith received some appointment?

*A.* Yes.

*Q.* What is the name of the office to which he has been appointed?

*A.* He has taken the place of Mr. Pearce. I could not tell you the name of the office.

*Q.* Will you accept what Mr. Cameron says—Inspector of Agencies?

*A.* I could not say. It is not in my department.

*Q.* You therefore could not tell me whether Mr. Wilkinson had been appointed to assist him or not?

*A.* Oh, no.

*Q.* You tell me you do not know anything of any appointment of Mr. Wilkinson at the present moment?

*A.* I state that positively.

*Q.* Has he finished his work on the Murray Canal?

*A.* Yes. But still, some cases have come up, in which he was not alone the valuator, and they are not yet reported to the Department.

*Q.* Who is the other man?

*A.* Mr. Wood.

*Q.* Do you remember the Christian name?

*A.* I do not.

*Q.* These were acting jointly in the valuation of the lands, and you have not decided on all of them, but you think Mr. Wood is attending to these?

*A.* We have decided on them, but if anything comes up, Mr. Wood is appealed to

*Q.* Who is the Chief Engineer of the Government?

*A.* Mr. John Page, on canals.

*Q.* That would be under his supervision, would it?

*A.* It would be under his supervision as Chief Engineer. Of course he would have other engineers under him.

*Q.* Did you see Mr. Meredith or Mr. Bunting in Ottawa before you left for New York?

*A.* I saw Mr. Meredith for about probably—

*Q.* I was not asking you how short the time was?

*A.* Yes, but I want to give you the information—about ten or fifteen minutes.

*Q.* Make it ten seconds, if you like; I do not see why you should wish to shorten it; I suppose it was an agreeable meeting?

*A.* Most agreeable.

*Q.* Where was it you saw him?

*A.* At my house.

*Q.* Do you recollect the day of the week?

*A.* No, nor the day of the month.

*Q.* Did you see him more than once?

*A.* No; he just casually called.

*Q.* Was anybody with him?

*A.* I think Mr. Carling was with him, if I remember rightly.

*Q.* That is, the Honorable John Carling?

*A.* Yes.

*Q.* And was he looking you up too, or just came in with Mr. Meredith?

*A.* Just came along with him; as I say, I did not go to the House generally in the evenings; the doctor had instructed me that if anyone wanted to see me I was to see them at my house.

*Q.* Had you seen Mr. Bunting?

*A.* No.

*Q.* Sure?

*A.* Yes, quite sure.

*Q.* That is, in 1884, before your going away from Ottawa?

*A.* No, I have not.

*Q.* Sure of that?

*A.* Yes.

*Q.* Or Mr. Wilkinson?

*A.* No.

*Q.* Sure of that?

*A.* Yes.

*Q.* You had seen Mr. Stimson and Mr. Meredith?

*A.* Yes.

*Q.* Do you know where Mr. Stimson was boarding while he was in Ottawa?

*A.* No; I think I only saw him once.

*Q.* Do you recollect how long it was before you left that you saw Mr. Carling and Mr. Meredith on this occasion?

*A.* No, I could not tell you; I could not approach the day.

*Q.* Did you see Mr. John Shields in Ottawa before you left?

*A.* Well, I see him very often in Ottawa; I do not know whether I saw him at that time, but he has had business with the Department.

*Q.* With your Department?

*A.* With the Railway Department.

*Q.* During the period of time you were acting?

*A.* Yes.

*Q.* Had you seen him in Ottawa shortly before you left for New York?

*A.* Well, I could not answer the question; I should think very likely I had, but I do not remember of it.

*Q.* Well, in the Railway Department is the money paid out in the way in which you have indicated—by a cheque of the deputy, and then you do not know whether countersigned, but if countersigned, by the secretary or some clerk?

*A.* Well, I was speaking of the Railway Department when I spoke before.

*Q.* I thought you were speaking as Minister of Agriculture?

*A.* No; I was speaking of the Railway Department; small sums are paid out in that way very often; if it is money paid on a contract, or something of that kind, it is paid by the Auditor as a general thing on a cheque given by the Deputy Minister and Secretary.

*Q.* I do not exactly see what it is that the Auditor has to do with these cheques; the Deputy Minister, I suppose, signs them?

*A.* Yes.

*Q.* And then some other officer countersigns them?

*A.* Yes.

*Q.* And what does the Auditor do?

*A.* He signs them.

*Q.* So that there would be the triple signature to them?

*A.* Certainly.

*Q.* And the small sums might be paid on the signature of two, but when it comes to the larger sums, the signature of the Auditor is required?

*A.* Yes.

*Q.* That is the case, you say, in the Railway department?

*A.* Yes.

*Q.* Is it the same in your own department?

*A.* Yes, the Auditor audits them all.

*Q.* And not only audits, but when you say audits, he marks in some way the cheque so as to give it authenticity?

*A.* Yes.

*Q.* Then you were saying that on occasions money is paid out not by cheques?

*A.* I do not understand you.

*Q.* Is there any other way of paying money out?

*A.* I know of no other way than the way I have described.

*Q.* And I understand the way is with three signatures, or two signatures if the payment is small?

*A.* Yes.

*Q.* You know of no other way?

*A.* No.

*Q.* Whether it be a payment when the contract is completed or advances during the progress of the contract?

*A.* When the contract is finished, you have a report from the Chief Engineer, giving the amount, and it goes to the Auditor. Sometimes advances are made by Order-in-Council, and I think paid by the department on contracts.

*Q.* Is there any other way of money getting into the hands than the way you have mentioned?

*A.* No.

*Q.* Then you know of no other way of paying, either when the work is completed or on account?

*A.* No other way that I think of, this morning.

*Q.* Is that the mode in your department, or generally?

*A.* I think generally. Of course I do not know the other departments.

By the CHAIRMAN.—*Q.* Upon whom were those cheques drawn—who paid the cheques?

*A.* The Auditor.

By Mr. BLAKE.—*Q.* When you say the Auditor pays the cheque, do you mean that he has the actual money?

*A.* Oh, no. They would be paid by the Finance department after audit by the Auditor.

*Q.* Supposing this is the cheque, and you get the signature of the Deputy and the signature of the Secretary, and you get it countersigned by the Audit department, then you take that to the Finance department?

*A.* Yes.

*Q.* And they investigate it?

*A.* Yes.

*Q.* And then it is paid by the Finance department in the building, or do you go to a bank?

*A.* The Finance department give you a cheque on the bank.

*Q.* So that what you speak of would not be a cheque signed by the Deputy and the Secretary, but an order signed by them and then countersigned by the Auditor, and then the Finance department give you a cheque on the bank, and the bank gives you the money?

*A.* Yes, that is my impression.

*Q.* You are speaking positively as to your own department, and you think that is the way it is generally?

*A.* I am speaking generally, and I do not know of any exceptions to it.

*Q.* While you have been at the head of the Department, are you aware of any case in which money has been paid out otherwise than by the means described?

*A.* No, I do not know that I am. Of course the thing is more scattered. I could not tell you the *modus operandi* of sending money to England, for instance, or to a distance.

*Q.* Who is the Deputy of your Department?

*A.* Dr. Tache.

*Q.* That is, of Agriculture?

*A.* Yes, and Mr. Trudeau, of Railways.

*Q.* They would of course know with perfect accuracy the thing?

*A.* They would know all about it. It is more a matter of detail, and they would know more about it than I would.

*Q.* I was asking you whether you had seen Mr. Shields in Ottawa during the last session?

*A.* I have seen him less during this last session than perhaps any other session, for the reason I have given you before, that I was not out in the evening, and the doctor advised that people should not call upon me.

*Q.* Had he any dealings with your department in 1884?

*A.* No.

*Q.* Had you dealings with him in 1884, while Acting Minister of Railways?

*A.* Yes, with the Company—not with him personally.

*Q.* Who was the Company composed of?

*A.* Mr. Manning, Mr. Shields, Mr. McLaren—I do not know of Mr. Shields, but Mr. Manning, Mr. McLaren, and Mr. Macdonald. I do not know as Shields was one of the directors—I know the others were.

*Q.* But you cannot define exactly what his interest was?

*A.* No, I cannot.

*Q.* But you know he had some interest?

*A.* Yes.

*Q.* Then, had he any other dealings excepting that to which you have referred?

*A.* I do not know of any. I do not bring any to mind that has come within my knowledge.

*Q.* That would be a dealing with the Department of Railways?

*A.* Yes.

*Q.* What was the nature of the dealing?

*A.* It was a contract for building a railway.

*Q.* The whole of a railway?

*A.* A portion of it.

*Q.* And which railway was that?

*A.* The Canadian Pacific.

*Q.* Could you define what portion of the railway he was building?

*A.* It was a portion of the railway—a small portion, if you like, considering the whole distance—between Port Arthur and Winnipeg.

*Q.* Do you recollect how many miles?

*A.* I should think 67, but I am not quite sure.

*Q.* Was it divided into sections?

*A.* Yes.

*Q.* And had the sections various designations whereby you would know them?

*A.* Yes.

*Q.* What was this section?

*A.* Section B.

At 1.30 p.m., the Commission rose for recess.

The Commission resumed at 2.30 p.m.

The CHAIRMAN.—I have received a letter without a signature, advising a search for evidence in other directions.

The letter was handed to the Counsel for the Crown.

The examination of JOHN HENRY POPE was continued:

*Q.* At that period in March, are you aware that Mr. Shields had any other contract or was interested in any other contract with the Government?

*A.* I am not aware of that.

*Q.* Or are you aware of any contract in the year preceding, other than the one you speak of?

*A.* No.

*Q.* Are you aware as a matter of fact when that contract was completed?

*A.* When his interest in the contract was completed, or the interest of his Company?

*Q.* The interest of his Company; I do not know that he had an interest separate?

*A.* I do not know whether he had an interest at all or not, but the interest of that Company was completed when the Pacific Railway Company took that section over—I forget exactly the time.

*Q.* Would it be in 1883, or the beginning of this year 1884?

*A.* In the spring of 1883.

*Q.* And when was it finally settled as to what would be coming to this firm?

*A.* It was settled by arbitration.

*Q* Do you recollect when that would be; before you went to New York, or after you returned?

*A.* Oh, it would be after. I think the arbitrators were sitting—I could not say the month—I was not acting then, so I could not give you the information.

*Q.* And perhaps from not acting then, you could not tell me whether Mr. Shields received any payments on account of that, before the award was made?

*A.* Of course they received progress estimates, as they do on all work.

*Q.* Then there was a period of time when the contract was taken over by the Pacific Railway Company?

*A.* Yes.

*Q.* And then there was a reference to arbitration, as I understand?

*A.* Yes, there was a reference to arbitration of two cases; one was to be decided before the other.

*Q.* What I ask is, after the period of time when the Pacific Railway took that matter over from the firm or the Company, were there any payments made before the award was made?

*A.* I should think there was a payment made last year probably—I do not remember; I should think there was a payment made of what was perfectly clear, what had not to go into the arbitration.

*Q.* Before the close of last year, you think, that is, in 1883?

*A.* Well, I could not tell you the time; I know there was such a payment.

*Q.* As far as you can remember?

*A.* Well, I should think it was in 1883.

*Q.* Are you aware of any payment being made, supposing that was in 1883, before the award was made in 1884?

*A.* No, I do not remember of any.

*Q.* Of course you can only cover the period of time during which you were acting?

*A.* Yes, and I was not acting.

*Q.* It would have been outside of your department?
*A.* I think I would have known it.

*Q.* How do you think it would have come to your knowledge?
*A.* Well, I think the application would have been made while I was acting.

*Q.* Why do you think that?
*A.* I was acting when the arbitrators were appointed; one arbitrator was appointed by us, one by them, and one by the Chief Justice of the Supreme Court, and at that time I think I was acting.

*Q.* And could you recollect the time at which the arbitrators were appointed?
*A.* Last year, in 1883, but I could not recollect the time.

*Q.* I suppose Mr. Trudeau would be able to tell us all about that?
*A.* Oh, yes.

*Q.* What is his Christian name?
*A.* T. Trudeau.

*Q.* Are you aware of any big payments having been made to the firm in 1884?
*A.* Yes.

*Q.* When was the first payment made that you can recollect?
*A.* It was after the arbitration.

*Q.* After the arbitration was closed?
*A.* Yes; it would be, I should think, in June.

*Q.* That is last June?
*A.* Yes.

*Q.* Do you recollect the amount of it?
*A.* $100,000.

*Q.* Was all that came under the award paid?
*A.* No, it is not all paid yet.

*Q.* Any other sum paid?
*A.* Yes, one since.

*Q.* How much was that?
*A.* $50,000.

*Q.* When was that paid?
*A.* Within the last few days; not to Mr. Shields, you know—to the Company.

*Q.* Do you know Mr. Wilkinson?
*A.* Yes, I know him.

*Q.* How long have you known him?
*A.* Not very long; I have seen him very little the last two or three years.

*Q.* He never was employed in your department, except while you were Acting Minister of Railways?

*A.* I do not remember that he was.

*Q.* Is there a list of the persons employed by the various departments?

*A.* No, but it could be got at.

*Q.* In what way?

*A.* By the payments that have been made.

*Q.* But is there no book containing a list of those employed?

*A.* Not for those employed temporarily.

*Q.* But for the rest is there a list?

*A.* Yes, the regular pay list.

*Q.* But no book, with an index, showing the name of so and so, that he came to the department at such a time, that his salary was so much, and so on?

*A.* Oh, yes, that is the pay list.

*Q.* In each of the departments there is a pay list?

*A.* Yes, I fancy so.

*Q.* Unless for mere temporary employment?

*A.* Yes.

*Q.* Are you aware of any moneys having been paid to Mr. Wilkinson during the year 1883, or 1884?

*A.* No, not that I know of; there must have been some payments made while he was valuator, because I was acting in the department then.

*Q.* Mr. Trudeau would be able to give us information on this point?

*A.* Yes.

*Q.* Anybody better than Mr. Trudeau?

*A.* No, I don't think so. I should advise, if anything of that kind is done, that he should know what he is expected to do.

*Q.* Then, did you see Mr. Wilkinson in Ottawa about the time Mr. Meredith was there?

*A.* No, I did not.

*Q.* When had you seen him prior to that?

*A.* I do not remember seeing him since last autumn.

*Q.* And was it then on the business of the Government that you saw him?

*A.* Yes, on the business of the Department.

JOHN CARLING, called by Mr. Blake, and sworn.

*Q.* You are a member of the Dominion Parliament, Mr. Carling?

*A.* Yes.

*Q.* What is the office you hold?
*A.* Postmaster-General.

*Q.* How long have you held that office?
*A.* A little over two years.

*Q.* You attended the session, did you, of 1884?
*A.* Yes.

*Q.* You recollect Mr. Meredith paying you a visit?
*A.* Yes.

*Q.* He is the local representative of the same constituency you represent in the Dominion Parliament?
*A.* Yes.

*Q.* And has lived for a good number of years in the same city?
*A.* Yes.

*Q.* Do you recollect when it was that he came down to Ottawa!
*A.* It was some time in the winter—I cannot recollect the day, but I think it was in February—either the latter end of February or the beginning of March.

*Q.* Do you recollect the day of the week that he came?
*A.* Yes, it was on Sunday morning.

*Q.* Did he stay with you on that visit?
*A.* Yes. I may say that he was expected to be there on Saturday, but he was blocked up by the snow storm. He came down with my daughter and his daughter.

*Q.* When did he leave Ottawa?
*A.* On the same Sunday night.

*Q.* Did anybody accompany him?
*A.* His daughter and my daughter.

*Q.* Did you ever see Mr. Frederick Stimson about Ottawa?
*A.* Well, I have seen a gentleman I have heard since was Mr. Frederick Stimson, but I did not know him at the time.

*Q.* Would you know him from his photograph (showing)?
*A.* I should think that is the same party who I was told was Mr. Frederick Stimson.

*Q.* When was it you saw him in Ottawa?
*A.* Some time in the winter of 1884.

*Q.* Could you give us the date a little nearer than that?
*A.* No, I cannot.

*Q.* Did you see him on more than one occasion?
*A.* No, I happened to see him at the railway station; I was seeing my daughter off, and I happened to see him.

*Q.* And you knew him to be Mr. Frederick Stimson?

*A.* I knew him to be the party, and I was told since that it was Mr. Frederick Stimson.

*Q.* When did you first see him?

*A.* About a couple of years ago.

*Q.* Was that the time he was arranging about the ranch?

*A.* Well, I could not say. I just met him at the Russell House in Ottawa.

*Q.* Were you introduced to him then?

*A.* I just met him; I do not know that I had a formal introduction.

*Q.* And you had no dealings with him?

*A.* None whatever.

*Q.* And you did not see him from that period in 1882 until 1884?

*A.* Not that I can recollect.

*Q.* Was that before or after Mr. Meredith had been down at Ottawa—I mean this occasion of seeing him at the railway station?

*A.* I do not remember whether it was before or after.

*Q.* I thought you could remember by whom it was you were seeing off?

*A.* I was seeing my daughter off.

*Q.* But she came down with Mr. Meredith?

*A.* She came down two or three times; she came down in January, and again in February.

*Q.* Do you know a gentleman of the name of Wilkinson?

*A.* I do.

*Q.* Did you see him in Ottawa this last winter?

*A.* Yes.

*Q.* At what period in 1884 was it?

*A.* I really could not say. It was some time during the session.

*Q.* And could you say that was about the time Mr. Meredith was down, or earlier or later?

*A.* I could not.

*Q.* Try and recollect?

*A.* I cannot recollect the date. He was not down to see me on business, or anything of the kind.

*Q.* But you cannot, on your oath, recollect whether it was before or after or about the time?

*A.* No, I cannot.

*Q.* And you could not tell me whether it was February or March that he was down?

*A.* No, I cannot.

*Q.* What is your best impression?

*A.* I should think the latter part of February or the beginning of March.

*Q.* So that whether that is absolutely correct or not, it would be much about the same time that Mr. Meredith was down?

*A.* I would not say it was the date Mr. Meredith was there, but it was about that time. It might have been ten days before or ten days after—I cannot tell.

*Q.* Was that the last time you saw Mr. Wilkinson?

*A.* I think so.

*Q.* Were you in either of the Middlesex elections yourself?

*A.* Yes.

*Q.* Did you meet Mr. Wilkinson there?

*A.* I did.

*Q.* Which of the Middlesexes?

*A.* West Middlesex.

*Q.* Which election was that?

*A.* The two elections took place at the same time, the Local and the Dominion.

*Q.* And on which occasion was that?

*A.* They were both held on the same day—it was in last December some time.

*Q.* He was working in the interest of the Conservative party?

*A.* I know he was speaking; I do not know that he was doing anything else; I met him at meetings, and I did not meet him any place else than at public meetings.

*Q.* It was something the same as at Ottawa—you met him?

*A.* Yes.

*Q.* And you just heard him speak, and it was in the interests of the Conservative party that he was addressing the meetings?

*A.* Yes.

*Q.* He has been known as an active politician?

*A.* Oh, yes, I think he was known as such; I think he found out the Big Push letter, and has been known as Big Push since that; he got George Brown's letter.

*Q.* And has been given all the honour, since, that he could be given on account of that?

*A.* Yes.

*Q.* And that is the last eight or ten years?

*A.* Since 1867, I think.

*Q.* And it is since that time that you have given him that honour?

*A.* I did not give him that honour; it was the Opposition press.

*Q.* But the honour of assisting the Conservative party in the various election contests?

*A.* Oh, yes

*Q.* Had you any conversation with Mr. Wilkinson while he was in Ottawa?

*A.* Every time I met him, I had a conversation with him; I knew him and talked with him.

*Q.* And I suppose there was not an exception in the month of February or March?

*A.* No.

*Q.* Do you recollect the subject matter of the conversation with Mr. Wilkinson?

*A.* No, I do not; very likely it was political conversation; I do not recollect it.

*Q.* He had come from Toronto?

*A.* I do not know that he lives in Toronto.

*Q.* But on this occasion?

*A.* Oh, I do not know.

*Q.* Did he mention anything in the conversation by which you could tell that?

*A.* No, I do not recollect that; I think his residence is in Cobourg.

*Q.* Do you know whether he is employed by the Dominion Government at present?

*A.* No, I do not know except what I heard Mr. Pope say to-day.

*Q.* Personally you do not know?

*A.* No.

*Q.* You do not know of any Order-in-Council being passed for his employment?

*A.* No.

*Q.* Do you know whether as a matter of fact there is such an office as Inspector of Agencies in the North-West?

*A.* No.

*Q.* You have not heard of such a thing?

*A.* I have heard that Mr. Stephenson was appointed Inspector of Homesteads.

*Q.* What is the name of Mr. Stephenson?

*A.* Mr. Rufus Stephenson.

*Q.* Inspector of Homesteads?

*A.* I think that is the office he holds—I am not positively sure.

*Q.* Do you know Mr. H. H. Smith?

*A.* Yes.

*Q.* What is his office at present?

*A.* I only know from what I heard Mr. Pope say to-day, that he fills the position Mr. Pearce held in connection with the Lands' office of Mr. Walsh in Winnipeg; I think Mr. Pearce left, and Mr. Smith has been put in his place.

*Q.* Have you ever heard that Mr. Wilkinson was Mr. Smith's assistant?

*A.* No.

*Q.* Where could I get information on that?

*A.* I do not know. I should think the only place would be the Department of the Interior.

*Q.* That is the Honorable D. L. Macpherson's department?

*A.* Yes.

*Q.* Do you know when he will be back?

*A.* No.

*Q.* You do not know any more than Mr. Pope?

*A.* No. I suppose he went for his health, and that he will be guided by the state of his health.

*Q.* And you think from him I might get something about that office in the North-West?

*A.* Yes.

*Q.* You know the signature of Mr. Macpherson?

*A.* I think I do. I would not be positive. I should think that was his signature (Exhibit G), but I would not like to swear to it.

*Q.* You have no reason to doubt it, looking at it?

*A.* No, I have not.

*Q.* And would you say that writing on the other side was his or not?

*A.* I should think that was not his writing.

*Q.* That letter you would say would be all in his writing, would you not?

*A.* That may be his Secretary's writing. I would not like to say positively that is the same writing as the signature.

*Q.* And what would you say as to the envelope?

*A.* Well, that looks to be something like the signature.

*Q.* Then did you see Mr. Wilkinson down there more than once during this session of 1884?

*A.* I do not think so.

*Q.* You do not remember?

*A.* I do not remember more than once.

*Q.* And do you recollect where you met him?

*A.* My recollection is that I met him in the lobby of the House.

*Q.* Do you recollect your conversation with him, or any portion of it?

*A.* No, I cannot.

*Q.* If you were prompted, do you think you could?

*A.* No, I do not think so, because in a casual conversation, and meeting so many, I could not recollect.

*Q*. Probably as to politics?

*A*. Very likely.

*Q*. And probably as to Ontario politics?

*A*. Very likely.

*Q*. Of course you could tell him about the Dominion politics, and he could give you a little information about the Ontario?

*A*. Perhaps he knew as much about the Dominion as I did.

*Q*. Then did he tell you anything about the prospects or the probabilities?

*A*. He may have done so, but I cannot recollect.

*Q*. Upon that, your memory is a complete blank?

*A*. My memory is as good as most people's.

*Q*. I am not depreciating the memory of the Postmaster-General for a moment; but I am questioning you as to this conversation, and can you give me anything that passed between you on this occasion?

*A*. No, I could not.

*Q*. When you say about politics——

*A*. Politicians generally talk about those things.

*Q*. So that from your surroundings you think it must have been politics?

*A*. Yes.

*Q*. But as to whether Mr. Mowat must go or must not go, was there anything?

*A*. I do not know that there was anything special.

*Q*. Will you say there was nothing about that?

*A*. I will not.

*Q*. Or probabilities or possibilities?

*A*. I really do not remember; I don't think I had five minutes' talk about it.

*Q*. So we do come back to the point that your mind is a blank on that conversation?

*A*. It is not more than on anything else.

*Q*. If it is not a blank, give us some of it?

*A*. I cannot recollect casual conversations with parties in the House.

*Q*. Then I am right as to your mind being a blank on that conversation—as to whether Mr. Mowat would carry the session through or be beaten; you cannot say whether any of these matters were brought up and discussed?

*A*. No, I cannot.

*Q*. Would your memory be any clearer as to the conversation with Mr. Meredith?

*A*. I very likely had a conversation with Mr. Meredith on politics, but nothing that I can recollect.

*Q*. Any question of timber policy?

*A*. Yes, on that; I had very little conversation with Mr. Meredith, because he arrived there at six o'clock, and it was only after dinner that I had a chance to talk to him.

*Q.* Well, I will take an after-dinner conversation, if you will give it to me?

*A.* No doubt we talked about politics.

*Q.* If you say you cannot recollect what passed between you and Mr. Meredith, I will accept that?

*A.* I cannot recollect.

*Q.* So that you cannot tell me any more of what passed between you and Mr. Meredith than what passed between you and Mr. Wilkinson?

*A.* No.

*Q.* Do you recollect whom Mr. Wilkinson was with when you saw him?

*A.* I do not think he was with anybody.

*Q.* He was by himself?

*A.* Yes.

*Q.* Did you see Mr. Bunting at Ottawa during that session?

*A.* Yes, I think I have seen him during the session more than once.

*Q.* Can you not give it a little more strongly than that?

*A.* Yes, I am sure I saw him.

*Q.* Do you recollect how often?

*A.* Yes, I think I have seen him more than once.

*Q.* A couple of times?

*A.* Yes, I think twice.

*Q.* And do you recollect at what periods you saw him?

*A.* No, I cannot.

*Q.* I am informed he was in Ottawa on the same occasion as Mr. Wilkinson—is it your recollection that you saw him about that date or not?

*A.* I could not recollect; they might have been there at the same time, but I do not recollect.

*Q.* What is your recollection of the period of time at which you saw Mr. Bunting?

*A.* I am sure he was there twice in the winter; I think one time in February and again in April.

*Q.* Do you recollect when it was your session began?

*A.* Yes, it was in January.

Mr. HECTOR CAMERON.—The 13th.

WITNESS.—Very likely it was.

By Mr. BLAKE.—*Q.* And do you know when it ended?

*A.* It ended on the 19th of April, I think.

*Q.* What would be the period you first saw him?

*A.* I could not say as to the date. I am confident that I saw him there in April—I think it was about the beginning of April.

*Q.* And as to the other visits?

*A.* I could not say as to the time.

*Q.* And you could not say which it was—in February or March?

*A.* No, I could not.

*Q.* Do you think it was in either of those months?

*A.* I could not say. I think Mr. Bunting comes down generally at the opening of the session. It might have been in January.

*Q.* And you can give no finding of your mind upon that at all?

*A.* No.

*Q.* And was your conversation with him of the same class, that you could not tell what passed?

*A.* Yes, just a general conversation.

*Q.* Of which you do not retain the memory?

*A.* No.

HENRY MERRICK, called by Mr. Blake, and sworn.

*Q.* You are a member of the Ontario Legislature, Mr. Merrick?

*A.* I am.

*Q.* What constituency do you represent?

*A.* North Leeds.

*Q.* How long have you been a member of the House?

*A.* Thirteen years.

*Q.* And you are a member, I believe, of the Conservative party?

*A.* I am.

*Q.* Were you present during the whole of the session?

*A.* Yes. I sometimes went home on Friday and came back on the following Monday.

*Q.* With the exception of these Sunday absences, you were here during the whole of the session?

*A.* Yes.

*Q.* Were you present at the three caucuses that have been referred to?

*A.* I think I was.

*Q.* Is your memory so good that you can say positively whether that is so or not?

*A.* I was at two, certainly, and I am not sure whether I was at the third or not. There were three, I believe.

*Q.* These are the ones that were held in the *Mail* building?

*A.* I would not say positively whether I was at the first and second or the first and third, but I know there was one caucus at which it was not convenient for me to be present.

*Q.* Can you add anything in the way of information as to what took place at those two caucuses—as to the appointment of committees or the statement of any policy?

*A.* There were no committees appointed then, that I am aware of.

*Q.* Or any statement of policy?

*A.* Yes, there was a question of policy brought up. Is that relevant? Must I state what is the policy of the Opposition?

*Q.* I have not asked you that?

*A.* There was a policy.

*Q.* Generally discussed?

*A.* Yes, generally discussed.

*Q.* Was there a statement as to the policy of the Government at that first caucus?

*A.* I do not know whether there was at that meeting, but at the caucuses we do discuss policies.

*Q.* Do you know whether there was a counting of noses; whether the noses be in or the noses be out?

*A.* I know one or two were mentioned who were elected as Independent candidates, and there was a question as to how they would vote; Mr. Neelon was one, and Mr. Hart was the other; we had no notion as to how they would vote, and we naturally discussed that.

*Q.* Was there any discussion as to the relative strength of the two parties in the House?

*A.* I think opinions were expressed, but whether they were expressed openly in a general discussion, or aside, I do not remember; I know there were opinions.

*Q.* And do you recollect what the opinions were as to what would be the strength of each party?

*A.* No, I know what my own opinion was, but there was no resolution introduced at the caucus, and no opinion expressed as a caucus. Each individual might express an opinion, but there was no opinion expressed by the caucus.

*Q.* When did you first hear anything about any person being approached?

*A.* Well, I do not know that I heard of any particular approach except a few days before the announcement was made in the House. I had heard that there were certain of the Government supporters who were likely to vote with the Opposition, but I had no authentic information; it was simply rumour.

*Q.* The 17th of March was the day the public announcement was made; how long before that did that take place?

*A.* I think a few days before, in the smoking-room.

*Q.* That was the first you had heard?

*A.* Yes, and about that time it was pretty generally discussed.

*Q.* Were you present at a caucus when it was discussed as to whether a vote should be taken on the Timber Policy?

*A.* Yes, I think at one of the caucus meetings that, with other subjects, was discussed; I think the Boundary Award, also, the Estimates, the Timber Policy and the License question. There were several matters discussed.

*Q.* Did you see a resolution of the Opposition on the Timber Policy?

*A.* Yes.

*Q.* Do you remember when you first saw that?

*A.* I do not. Mr. Meredith proposed to draft some of the resolutions, and the resolutions after being drafted were to be submitted to caucus to be adopted by them if they approved of the phraseology of the resolutions I am perhaps myself in some degree responsible for the timber resolution, because since I have been in the Legislature I have taken strong ground against the Government selling the timber lands without the consent of Parliament, and on that ground I have always, as one of the members of the party, urged that on Parliament.

*Q.* Did you see that resolution?

*A.* I did.

*Q.* Was that debate subsequent to this caucus, or was the resolution produced at that caucus?

*A.* Oh, I think it was after the caucus.

*Q.* Then, if I understand you aright, all that was done at the caucus was simply to define generally what was to be done as to the timber policy, and then it was left to Mr. Meredith to draft a resolution in accordance with the opinions expressed. Then did you see the resolution?

*A.* I did.

*Q.* Where did you see it?

*A.* I saw it, I think, in the House.

*Q.* Who was it that showed it to you?

*A.* Mr. Meredith, I think—in fact I am quite sure he handed me the resolution to look at.

*Q.* Do you recollect about what date that was?

*A.* No, I could not tell you as to the date.

*Q.* Do you recollect whether you saw it more than once?

*A.* I do not remember. I do not think I did, though I may have done so.

*Q.* Do you know whether at any subsequent meeting anything was said about the advisability of moving a resolution upon the timber policy?

*A.* I think after the announcement was made in the House, I strongly, as one of the members of the party, advised that the resolution should not be moved at all, because it had been suggested in the public press that this resolution was for the purpose of getting men to support them, and we would not ask them under those circumstances.

*Q.* That is just the information that Mr. Broder gave us; that after the statement made subsequent to the 17th of March—

*A.* I do not think it was done in a meeting. I think it was just done in conversation among the members of the Opposition. We had no meeting.

*Q.* I may be wrong in that, although I think still that that is what Mr. Broder said?

*A.* Possibly.

*Q.* On the 17th of March the conclusion was that under the surrounding circumstances it was not advisable to move it, and it was dropped?

*A.* That is my opinion.

*Q.* Do you recollect what day after the 17th of March that was?

*A.* No, I do not.

*Q.* And that is the last you heard about the timber resolution?

*A.* Yes. I don't think it was mentioned afterwards. After I heard the announcement, or at least the rumour, in the smoking room that some members had been approached, I mentioned the matter to Mr. Meredith, and Mr. Meredith was very much annoyed about the matter, and said to me, "I would not care to take power under such circumstances." Said he—"If we obtain power in that way, the men who deserted their party and came over would desert us, and I would not want to have anything to do with any such matter as that." I know he felt very strongly, and expressed himself in very strong language.

*Q.* That was after the 17th of March?

*A.* Before the 17th of March, when I told him of the conversation that was passing.

*Q.* Then you had a conversation with Mr. Meredith before the 17th?

*A.* I repeated the conversation I had heard in the smoking room before to Mr. Meredith, telling him of rumours that were going on.

*Q.* When was it you told him that?

*A.* I was trying to assist my memory to-day by speaking to one of the members of the House who I thought was present at that particular time. He was not very positive as to the time, but my recollection of it is that it was very shortly before.

*Q.* Monday was the 17th—that was the day the announcement was made—then would it be on the Sunday or the Saturday preceding?

*A.* No, I think I went home on the Saturday preceding. I think it was in the middle of the week preceding. You see, prior to the announcement, there was a pretty general rumor.

*Q.* You had conveyed that to your chief?

*A.* Certainly—yes.

*Q.* Do you recollect the names that you mentioned of the persons that it was thought had been approached, or might be approached?

*A.* Oh, this gentleman who made the observation in the smoking room—that is as my recollection serves me—he simply mentioned his own name and said that others had been approached, and I felt that it was a most disastrous thing for the party if anything of that kind were done, and felt it my duty to tell Mr. Meredith, which I did at once, and Mr. Meredith expressed himself in very strong language.

*Q.* Do you recollect what names were mentioned on this occasion?

*A.* There were no particular names mentioned. He simply mentioned the matter as speaking for himself.

*Q.* Who was it that mentioned that?

*A.* Well, I think it was Dr. Cascaden. I was speaking to him. Of course I won't be positive, but I think it was Dr. Cascaden. It was in the smoking room of the House. There were a number of members standing about.

*Q.* Was that the only name you heard of then as being the name of a person who was approached?

*A.* I do not think Dr. Cascaden mentioned any other names at all.

*Q.* And therefore your recollection is that that was the only name?

*A.* Yes, I do not remember any name being mentioned at all. He simply said that he had been, or there was some sort of deal going on—I forget the language.

*Q.* According to your recollection, you got no other name?

*A.* No other names were mentioned.

*Q.* Therefore the only name you mentioned to Mr. Meredith was that of Dr. Cascaden?

*A.* I mentioned to Mr. Meredith that Dr. Cascaden had made the observation that I have called your attention to, that he had been approached as well as a number of others.

*Q.* But you did not give the names?

*A.* Nor did I to Mr. Meredith.

*Q.* The only one you knew was Dr. Cascaden, who mentioned himself, and said that there were others, and that information you gave to Mr. Meredith. It did not convey the names of any others except Dr. Cascaden, and therefore you did not give any other names to Mr. Meredith?

*A.* I think it was Dr. Cascaden.

*Q.* Whoever it was, there was no other name mentioned except that?

*A.* Not that I am aware of. There may have been, but I do not remember, because I did not particularly charge my mind with it.

*Q.* That is your best recollection?

*A.* Yes.

*Q.* Then did you get any further information upon it to carry to the Leader of the Opposition?

*A.* No, not that I know of.

*Q.* You went away you say, on the Saturday, and returned on the Monday you think?

*A.* I think I did.

Q. Therefore you were absent, and you heard of the *denouement* in the House on the Monday?

*A.* Yes, we said at the time this resolution was to be moved, when the Government moved for the House to go into Committee of Supply—and the Government did move the House into Committee of Supply on Monday—the opportunity was then afforded to the Opposition to move the resolution, which it has been said was agreed upon should be moved upon that particular occasion. But the House went into Committee of Supply, the resolution was not moved, and consequently that arrangement which has been spoken of never was completed by the Opposition in any way, and then the House merely remained in Committee of Supply for a short time; I suppose waiting the action of the Opposition as it had been said they would pursue that course, and then shortly afterwards the Committee arose, and Mr. Mowat made the announcement.

*Q.* Then how long had it been that the House had delayed—I believe they delayed some time going into Committee of Supply?

*A.* Well, I believe very shortly after. Monday was the Private Bill day, and I think that the first hour and a half, if I am not mistaken, they took for Private Bills. I won't be sure as to that, but at all events we shortly went into Committee of Supply.

*Q.* What I referred to was this—you have stated to us that it was understood the Opposition were going to move, when you went into Committee of Supply, their resolution upon the question of the timber policy?

*A.* That was the statement that was made. It was made, not before, but subsequently by the evidence that has been brought out.

*Q.* How long was it prior to the 17th of March, the day that this matter was made public, that you had seen this resolution upon the question of the timber policy?

*A.* Oh, well, I do not know—it was some long time before.

*Q.* Would it be a week or ten days?

*A.* I think it was more than that.

*Q.* You think it would be at all events that long?

*A.* Oh, yes; I think the resolution was prepared a long time before.

*Q.* Certainly, it was before the 17th of March?

*A.* The resolution was prepared? Oh, yes.

*Q.* Then, during that week prior to the 17th of March, do you recollect whether there was any understanding that the going into Committee of Supply was postponed from time to time, that the Opposition were to have notice when they were going into Committee of Supply, so that they might move that resolution?

*A.* I think there was some such arrangement. We had a number of resolutions—I do not know how many. I could revive my memory by seeing the Journals of the House; but we had a number of resolutions we had to move in connection with the Algoma elections, and a number of other resolutions. Going into Committee of Supply is the only place where you can get a vote on a proposition itself, and an arrangement, I think, was come to between Mr. Meredith and Mr. Mowat that opportunities would be afforded to us to move those resolutions.

*Q.* What was the particular advantage of getting your resolution in upon the vote to go into Committee of Supply?

*A.* In order that no amendment could be moved, and that the House would vote upon the proposition itself.

*Q.* Then, virtually a vote then would be tantamount to a vote of want of confidence in the Government upon a certain proposition, such as, "your timber policy is wrong?"

*A.* It would depend very much upon the proposition itself.

*Q.* This timber policy one?

*A.* Well, if the object was—if the announcement was made in the discussion—or whoever moved the resolution, if he made an announcement that he did not propose that it should be a vote of want of confidence, but upon the merits, the House might take what action they should think best.

*Q.* Suppose he did not say that?

*A.* The Government are very much opposed to take any vote in opposition to them,

*Q.* You would have considered it as a vote of want of confidence?

*A.* Well, if we had beaten them, I think we would have congratulated ourselves upon our success.

*Q.* It would have been one considerable step towards coalition, if you desired; that is what I was wanting to get at, if you can tell me, for about how many days before that 17th of March was it, that this understanding between the leaders of the two sides of the House that an opportunity was to be given to move your resolution before you should go into Committee of Supply?

*A.* You are speaking of resolution in the singular.

*Q.* All the resolutions?

*A.* All the resolutions; I do not know as to that.

*Q.* You could not tell me as to that?

*A.* No; it was to avoid discussion.

*Q.* You know better than I do. I understood that there were to be five or six days; that on each day there was a statement made, "Are you going into Committee of Supply; let me know, because of these resolutions?"

*A.* Well, possibly; there were a number of them to be moved, and it was absolutely necessary that we should know, so that we should have our resolution, and the particular member of the House who was charged with that particular resolution would be prepared to make his speech.

Q. Were these resolutions ultimately moved that you have reference to?

*A.* I think nearly all of them; I think, perhaps, after the announcement in the House of the difficulty that some of the resolutions were abandoned, because we were somewhat demoralized; we were all considerably surprised.

*Q.* It was not a demoralization; it was just a masterly retreat?

*A.* Well, you can apply whatever language you like to that.

*Q.* Do you recollect what proportion of the proposed resolutions were passed?

*A.* No, we had so many.

*Q.* So many strings to your bow?

*A.* Yes.

*Q.* You had nothing whatever to do personally with those doings?

*A.* I had not.

*Q.* Do you know Mr. Wilkinson?

*A.* I do.

*Q.* When did you first meet him?

*A.* I don't know when I first met him; I met him a long time ago; I think when the Big Push letter came out was the first time I met him, or shortly after that; he was in Toronto.

*Q.* How many years ago?

*A.* I do not remember; eight or nine years ago.

*Q.* Were you in politics then?

*A.* I have been in politics thirteen years.

*Q.* Mr. Carling mentioned that as '67?

Commissioner SCOTT.—I was not sure whether he said '67 or six or seven. The chairman thought it was six or seven years.

WITNESS.—That is a mistake, and the publication of the letter was of course some time after it had been written, but I remember Mr. Lauder showing me a copy of the letter, and shortly after that, Mr. Wilkinson was in Toronto, and I was introduced to him.

*Q.* On the strength of his connection with the letter?

*A.* Well, as he had unearthed it.

*Q.* You would like to have the honor of shaking hands with him?

*A.* Yes, shaking hands with him.

*Q.* Did it ripen your acquaintance with Mr. Wilkinson?

*A.* Well, not specially; I did not meet him very often; I have not been out with him in constituencies.

*Q.* Did he help you at all in your constituency

*A.* No, he did not.

*Q.* In the neighboring constituencies?

*A.* Well, he was in Renfrew.

*Q.* He has been a pretty active worker for the Conservative party for the last six or seven years?

*A.* Well, he has been out stumping, I believe.

*Q.* What do you mean by stumping?

*A.* Making speeches; you ought to have some knowledge of that.

*Q.* No, very little knowledge, but is there anything else in your dictionary covered by the word stumping?

*A.* It is a political term, I suppose, perhaps.

*Q.* Did you see him during the session of 1884?

*A.* I did.

*Q.* Did you have any conversation with him?

*A.* Well, shortly after he came up here, he was stopping at the Walker House.

*Q.* Did you stop at the Walker House?

*A.* I did.

*Q.* On previous occasions had he stopped at the Walker House?

*A.* I do not know anything about that.

*Q.* Have you ordinarily stopped there?

*A.* I stopped there for two sessions.

*Q.* You just met him there at the Walker House?

*A.* Yes.

*Q.* Do you know Mr. Stimson?

*A.* I do not.

*Q.* Or Mr. Lynch?

*A.* No, I never met him; I would like to see his photograph before I leave the court-room. (Photograph produced.) I have never seen him that I know of.

*Q.* Or felt him?

*A.* No.

*Q.* Because he sometimes turns his side face, so that you cannot see him—you do not know him, however?

*A.* No.

By Mr. MEEK.—*Q.* You say that Dr. Cascaden spoke to you?

*A.* Well, I do not know that he directed his conversation particularly to me.

*Q.* Were you present when he spoke?

*A.* Yes. I am giving that of course with a reservation. I am not so sure whether it was Dr. Cascaden or not, but my recollection of it is that it was Dr. Cascaden.

*Q.* When was that?

*A.* I think about there—shortly before it was publicly announced in the House. I do not remember very positively. I was trying to refresh my memory by speaking to Dr. Cascaden about it and asking him.

*Q.* Shortly before the 17th March?

*A.* Yes, shortly before that time.

*Q.* He said then that he had been approached, did he?

*A.* Yes.

*Q.* Did he say by whom?

*A.* No, he did not mention any names.

By Mr. BLAKE.—*Q.* I beg your pardon for a moment, and I beg Mr. Meek's pardon. Did you know Mr. Meek?

*A.* Yes.

*Q.* Were you introduced to him as the solicitor of the party?

*A.* I do not know.

*Q.* What did you know him as, then?

*A.* Well, I just knew him as Mr. Meek. I have never had much conversation with Mr. Meek.

*Q.* When did you first know him?

*A.* Well, I really do not remember where I met him for the first time. During the Middlesex election, I think that was the first time I met Mr. Meek to have any conversation with him—at the election in Middlesex.

*Q.* Were you in the Middlesex election?

*A.* I went to Middlesex, but I did not take any part.

*Q.* Was it the occasion of both elections in Middlesex?

*A.* Yes.

*Q.* It was December or January?

*A.* It was December, 1883.

*Q.* You were there, and what was Mr. Meek doing?

*A.* Oh, Mr. Meek was not there. I met Mr. Meek in Toronto, on King Street.

*Q.* I thought you said you met him at Middlesex?

*A.* No, at the time I was going to Middlesex.

*Q.* Were you introduced to him then?

*A.* I do not know that I was introduced to him. I was walking on King Street with Mr. Meredith, I think. We were making some arrangements about going into constituencies to speak, and we met Mr. Meek on the street, and he stopped, talking to Mr. Meredith, and we joined in a general conversation, and I think that was the first time that I remember.

*Q.* I suppose that the solicitor of the party scarcely needs an introduction: he is supposed to know everybody?

*A.* That part of it, of course, is a statement of your own. I do not know anything about that.

*Q.* When did you meet him next after that?

*A.* I do not remember; I have met him several times; I do not remember specially when I have met him.

*Q.* Did you meet him in any of the elections?

*A.* No, I have simply met him casually in Toronto.

*Q.* You simply know him as being a member of the Conservative party?

*A.* Well, I do not know as I particularly know him in that way.

*Q.* You will offend him terribly?

*A.* Well, that might all be; I have never had much conversation with Mr. Meek on his position with the Conservative party; those who know him in Toronto know more about it than I do; I have known Mr. Meek, but as to his party proclivities, or his strong party feelings, or his being solicitor for the party, or anything of that kind, I do not know anything about.

*Q.* You are snuffing him out very unkindly?

*A.* Well, I am merely giving you my knowledge.

By Mr. CASWELL.—*Q.* That resolution on the timber policy, you have not a copy of it?

*A.* I have not a copy of it; I have seen a copy; I saw the resolution itself.

*Q.* Would you say from the framing of that resolution that it implied a want of confidence in the Government? Was it framed in that way?

*A.* It was simply a resolution expressing an opinion on the policy of the Government.

*Q.* Was it framed in that way? You said a moment ago that a resolution of this kind could be introduced which would not imply a want of confidence in the Government?

*A.* Any resolution moved when the House is going into Committee of Supply, Governments, as a rule, are inclined to view those resolutions as a want of confidence, so as to rally their followers; and no matter what the resolution may be, they will vote against the resolution itself; but I think now it is only on a resolution on the Supply Bill or a vote of want of confidence that a Government would feel bound to resign.

*Q.* Was that framed in this way?

*A.* No. It was simply affirming a proposition.

JOHN HAGUE, called by Mr. Blake.

WITNESS.—I ask, my Lord, whether I am bound to appear here. I have had no subpœna.

The CHAIRMAN.—I do not know what you are called for.

Mr. BLAKE.—Simply, my Lord, that Mr. Hague is Mr. Macpherson's book-keeper. Any witness in any matter, if he is called in Court, is bound to testify. It is merely to prove this letter of Mr. Macpherson's, Mr. Hague being his book-keeper.

WITNESS.—It has already been proved sufficiently,

The WITNESS was then sworn.

*Q.* You reside in the City of Toronto, and are the book-keeper of the Hon. D. L. Macpherson?

*A.* I do.

*Q.* Would you know his handwriting (Letter Exhibit G produced)?

*A.* I should take that to be his writing.

*Q.* And the envelope also?

*A.* Very likely.

*Q.* What do you say about it?

*A.* Well, it is like his writing; the initials are his.

*Q.* I believe he is at present on the Continent, or do you know where he is?

*A.* The probability is that he is in Germany at present.

*Q.* Do you know the probability as to his return?

*A.* Well, it is probable he will be here in September.

*Q.* That is the best information you can give?

*A.* Yes.

By Mr. MEEK.—*Q.* Do you know anything about the whereabouts of the Hon. Mr. Mowat—Where Mr. Mowat is now?

*A.* I do not—I have no knowledge at all.

*Q.* Do you know anything about the probabilities of his return?

*A.* Not at all; I do not know that I will ever see him again.

By Mr. BLAKE.—*Q.* And do not eare to?

*A.* And do not care to.

*Q.* You are a Conservative?

*A.* Oh, decidedly.

ROBERT ADAM LYON, called by Mr. Blake, sworn.

*Q.* You are a member of the Ontario Legislature?

*A.* Yes, for Algoma District.

*Q.* Were you present at the session of 1884?

*A.* Yes.

*Q.* Was that the first occasion of your being elected for this Legislature?

*A.* No; I have been in five different years before that.

*Q.* Were you down at the beginning of the session?

*A.* Shortly after the session commenced, a day or two; it opened on Wednesday; I arrived here on the following Sunday.

*Q.* How long had you been here before anything was said to you touching your vote?

*A.* With regard to the conspiracy?

*Q.* Well, touching your vote—some people object to the use of that word?

*A.* There was nothing said for a considerable length of time after I came down.

*Q.* How long?

*A.* Some time in the end of February I think, or the beginning of March.

*Q.* And who was it that first approached you in connection with your vote?

*A.* Well, Mr. McKim was the first man that approached me.

*Q.* That is Mr. Robert McKim, the member for Wellington?

*A.* Yes.

*Q.* What was it that he said or suggested to you?

*A.* He understood that I was in favour of a change of policy on the timber question, the way the timber in this Province is managed, and he asked me if I was still in favour of that change, and I said I was; I believed it was in the interests of my district.

*Q.* What business are you in?

*A.* The lumber business.

*Q.* What next?

*A.* I said that I was going to support that change if a resolution was brought in, naming the kind of resolution; that I would support it in the House, I did not care what side of the House it was brought up on.

*Q.* Was your election protested?

*A.* Yes.

*Q.* Was anything said to you upon the subject of the protest?

*A.* Mr. McKim said that if I voted for that resolution, that my protest would be withdrawn.

*Q.* All that you have mentioned took place upon the first interview with Mr. McKim upon the subject?

*A.* Yes, that particular subject.

*Q.* What did you say in answer to that?

*A.* Well, I told him that I did not believe that it would be withdrawn, and he said then he felt certain that it would; I told him I would let him know in half an hour afterwards; the House was in session; I dropped a note down to Mr. Pardee.

*Q.* Did he tell you how this could be accomplished—how the protest could be withdrawn, and so on?

*A.* Yes; he explained to me that Mr. Meek and Wilkinson were to meet me at the Walker House, if I agreed to it.

*Q.* What did you say to that?

*A.* I said that I would let them know in half an hour, so I saw Mr. Pardee, told him what Mr. McKim had told me, and he says, "You can just act your own pleasure, Mr. Lyon, in voting against the Government on that question, if you think proper." I could just do as I thought proper; so I saw Mr. McKim afterward, and we had a meeting.

*Q.* What next?

*A.* It had been agreed between Mr. McKim and these parties that a meeting was to take place in about two hours after that, if I was in favour of this resolution; and the meeting did take place accordingly in the Walker House, either in my room or Mr. Wilkinson's, I am not certain which: I was boarding at the Walker House.

The CHAIRMAN.—*Q.* Who met?

*A.* Mr. Meek, Mr. Wilkinson, Mr. McKim and myself.

Mr. BLAKE.—*Q.* Then what passed between you?

*A.* This question was brought up, of supporting the timber resolution, if it was brought as a vote of want of confidence, I was asked if I would support it, and said that I had already told Mr. McKim that I would.

*Q.* That is, if this vote was brought up as a vote of want of confidence would you vote?

*A.* Yes, it was put in that way, if I would support this resolution: "but if it was brought up as a vote of want of confidence, would you support it:" I said yes, I would support it.

*Q.* It was put to you in that way, that if it was brought up as a vote of want of confidence would you support it?

*A.* Yes.

*Q.* And you said you would?

*A.* I said I would.

*Q.* What else.

*A.* There was some other conversation took place, and talk of the withdrawing of my petition; Mr. Meek had charge of the petition and the protest for the petitioner, and he said if I would carry that out that he would withdraw the petition.

*Q.* Is that Mr. Edward Meek who is present in the Court?

*A.* Yes.

*Q.* Had you seen him before?

*A.* Yes, I met him in Algoma at the time of the election; he was up there speaking; he was in opposition to me; by that means I came to know him.

*Q.* What more passed between you?

*A.* Well, I wanted some security that the petition would be withdrawn; I wanted a writing that the petition would be withdrawn, or a guarantee from some responsible man in their party that the petition would be withdrawn; I offered to take Mr. Meredith; he refused; he did not want to mix up Mr. Meredith with it.

*Q.* Who refused?

*A.* Mr. Meek; but he would give Mr. Bunting, and asked me to go and see Mr. Bunting; I said it was not necessary if Mr. McKim saw Mr. Bunting, and he pledged his word and honour on the veracity of a man that it would be withdrawn, and gave Mr. McKim evidence that he had done so, and that would be quite sufficient.

*Q.* Had you any further conversation at that meeting?

*A* I think there was some further conversation, I don't recollect; it was all upon that point principally; I understood from Mr. McKim afterwards that he had seen Mr. Bunting, and he agreed to withdraw it.

*Q.* Was anything further said on that first interview as to the Mowat Administration or the Government?

*A.* There was something said on that occasion about forming a Coalition Government; Mr. Meek stated that the two Governments would be more in harmony; it would be more conducive to the interests of the Province if the Dominion Government and Ontario Government were in unison.

*Q.* Then you had another meeting?

*A* Yes, we had another meeting some time after; I don't recollect how many days after; it was up in the room in the Walker House again.

*Q.* Who was present at the meeting?

*A.* Mr. Meek and Wilkinson and McKim.

*Q.* What was the subject of your conversation?

*A.* The same subject—with regard to the withdrawal of the protest.

*Q.* How did you come to meet there?

*A* Mr. McKim and they arranged the meeting.

*Q.* Then when you did meet, who brought up the topic?

*A.* I couldn't say which party brought it up, but it was brought up immediately anyway, and they had agreed to withdraw the protest.

*Q.* You had asked some assurance of that?

*A.* Yes; well, that assurance had been promised.

*Q.* Did you receive it then?

*A.* Mr. McKim told me he had seen Mr. Bunting, and he had agreed to see that the protest was withdrawn.

*Q.* Was anything further said about the Government?

*A.* Nothing that I recollect except talking about forming a Coalition Government, as I have mentioned before.

*Q.* When did you see them again on the question of the protest?

*A.* I saw Mr. Meek afterwards, but I am not certain but it was that same night in the reading-room in the Walker House.

*Q.* Does Mr. Meek board at the Walker House?

*A.* No, sir; Mr. McKim and I were sitting together in the reading-room in the Walker House. Mr. Meek came up and said the protest was all right now, and shook hands with us both.

*Q.* Did he go into details?

*A.* No, that is all that was said; there was a number of people there, and he just walked out; I had no further conversation with Mr. Meek; I had several conversations with Mr. Wilkinson.

*Q.* Were they subsequent to these that you have been mentioning?

*A.* All after this; the first meeting that I referred to in the first place was the first meeting that we had.

*Q.* Then you had a second meeting; then you had an interview with Meek; and now you had a fourth meeting with Mr. Wilkinson?

*A.* Well, he was boarding in the same house, and we were talking every day.

*Q.* What was the subject of the conversation between you and Mr. Wilkinson?

*A.* Well, sometimes one subject and sometimes another; sometimes we referred to this buying up some of the members to defeat the Mowat Government; he said he required four; he named some of those that he thought would be favorable, and he required four more.

*Q.* Who did he say that he thought would be favorable?

*A.* Well, he counted on Mr. Neelon, and this other Independent member that came from Prince Edward, Mr. Hart, and myself; then he expected to get Mr. Balfour, Dr. Dowling and Mr. McKim; he said they required another if they could get another; he spoke of Mr. Cascaden, and he also spoke of Mr. Bishop.

*Q.* So they could have everything represented—the Church, and the medical profession, and the farmer, and all, in his buying up?

*A.* Yes.

*Q.* That would be seven or eight then that he would have?

*A.* Yes.

*Q.* Did he mention this more than once?

*A.* Mr. Wilkinson? Oh, it was every-day conversation.

*Q.* Anything more definite than that between you and Mr. Wilkinson?

*A.* No, nothing. It went on from that time to the time the announcement was made of the arrest. I knew nothing of the arrest until it was made.

*Q.* Were you present in the House when the disclosure was made?

*A.* I was in a few minutes afterwards, but I did not know that anything of the kind was coming up that evening.

*Q.* You were surprised?

*A.* Yes.

*Q.* Then did you see anybody in connection with your vote, but Mr. Wilkinson and Mr. Meek and Mr. McKim?

*A.* No.

*Q.* You had nothing to do with Mr. Kirkland about it?

*A.* No, he had nothing to do with voting; the timber question was what he was anxious about.

*Q.* When was it that Mr. Kirkland first spoke to you?

*A.* Shortly after I came.

*Q.* What was the subject of the conversation with him?

*A.* He told me that he had purchased some mining land in Pigeon River, in the district of Algoma, some ten thousand acres, and paid the cash for it, and that he wanted the timber that was on these lands by paying the regular timber dues, seventy-five cents a thousand, and he wanted me to see the Commissioner with regard to it: I did so, and he repudiated the idea of selling the timber in that way.

*Q.* You found that you could not move the Government upon their timber policy?

*A.* No; I think he got some others to see the Commissioner, and it was no use; it could not be done in that way.

*Q.* Then did Mr. Kirkland ever bring you any paper to sign?

*A.* Yes, he brought me the round robin.

*Q.* What did he say when he brought that to you?

*A.* He said he wanted to get the names of those parties who were going to vote to sign that.

*Q.* What was the object in getting it?

*A.* This timber resolution? All those that signed that round robin were supposed to stand firm to this resolution.

*Q.* Then what was he going to do with this when he got it signed?

*A.* I suppose he was going to keep it as a guarantee that they would vote right.

*Q.* Was he going to use it in any way in the vote, or with the Opposition, did he tell you?

*A.* No, he did not tell me anything; that he was going to use it for the Opposition.

*Q.* He was going to use it so as to keep them straight?

*A.* Yes, the names that had agreed to vote.

*Q.* You signed that, did you?

*A.* I signed that.

*Q.* Will you just see if it was at all like that in substance? (Exhibit "L" shown to witness.)

Mr. Caswell.—I suppose we ought to have first evidence of the original before we give secondary evidence.

*Q.* You gave that back to Mr. Kirkland

*A.* I gave that back to Mr. Kirkland.

Mr. Blake.—I ask for it, then. I trace it back into Mr. Kirkland's hands, and I ask Mr. Kirkland to produce it, which is the ordinary foundation to lay before you give this evidence of it. Now I have done that twice; I do it a third time now.

Mr. Caswell.—Kirkland has never had it except that day.

*Q.* You returned it to Mr. Kirkland?

*A.* Yes; Mr. McKim told me he signed it after I did; he saw my name.

*Q.* What do you think of this (Exhibit "L")?

*A.* This is in substance the same, only the one that I signed was written in the centre of the paper, round.

*Q.* Here it would be seen who signed first, if you signed in order, but the way they had it you just all signed round?

*A.* Yes.

*Q.* Did you ever see that paper in any other shape except as the round robin—did you see this (Exhibit "L")?

*A.* No.

*Q.* Then you could not tell me whose handwriting that is?

*A.* No.

*Q.* Can you say whether that is the same handwriting as the round robin that you saw?

*A.* I could not.

*Q.* Was there any other signature on that round robin when you signed it?

*A.* None.

*Q.* Were you paid any money?

*A.* No, I was not paid any money nor never was offered any money, by any parties.

*Q.* It was just the withdrawing of your protest?

*A.* Yes.

*Q.* Did you ever get the guarantee?

*A.* Of the protest withdrawn? No.

*Q.* Any other guarantee than that of Mr. Meek?

*A.* No; I believe it is being prosecuted still.

*Q.* Did you on any of these occasions when Mr. Wilkinson was speaking to you see any money with him?

*A.* Oh yes, he showed me the money.

*Q.* What did he say in connection with the money?

*A.* He said he had got the stuff now to pay for the votes.

*Q.* On which occasion was this?

*A.* Before he paid Mr. McKim; I think probably it was the same day.

*Q.* Did you see the amounts?

*A.* I did not see what amount he had; he showed me some $100 bills; I just saw the back of them—100 marked on the back.

*Q.* Would you know the colour of them?

*A.* They are green.

*Q.* Similar to these (Exhibit "E")?

*A.* They look the same; he had them wrapped up in this way (folding); he just showed me the back of them this way.

*Q.* Do you recollect where that was?

*A.* It was in his room at the Walker House.

By Mr. CASWELL.—*Q.* What is the first time you met Mr. Kirkland?

*A.* I met him a few days after I got here.

*Q.* Had you ever met him at Port Arthur before your coming here?

*A.* No.

*Q.* You had not known him there?

*A.* No.

*Q.* Did you get here at the opening of the session?

*A.* No, a few days after; I got here on Sunday; the House had been opened on Wednesday, I think, or Thursday.

*Q.* Where did you meet Mr. Kirkland?

*A.* I think he came down to the Walker House; I was introduced to him by some person, I don't recollect who it was; some one from Port Arthur, I think.

*Q.* Some one that knew you as representative of that constituency?
*A.* Yes.

*Q.* Was there anything said by this person introducing you as to your being interested in that part of the country?
*A.* I don't think so.

*Q.* I suppose you met him several times between that and the end of the session?
*A.* Yes, saw him nearly every day.

*Q.* He explained to you the nature of the change he wanted?
*A.* Yes.

*Q.* Were you in favour of the change he desired?
*A.* Yes, I was in favour of that change before I saw him at all.

*Q.* And you think now, I suppose, that that is the best policy for that part of the country?
*A.* Yes, I will vote for it any time it comes up in the House.

*Q.* So that it was not Mr. Kirkland's influence that caused you to change?
*A.* No; I believe it is in the interest of the district, and not only the district but the Province.

*Q.* That is, for that locality, at any rate?
*A.* Yes, for that district.

*Q.* I suppose that part of the country is not very heavily timbered?
*A.* It is a mountainous country and very little soil on it, and when it comes a dry season the fire gets out and burns the little soil that is on, and kills the timber wherever it goes, and then it is useless.

*Q.* I suppose by that means the Government loses a large amount of revenue that they might otherwise obtain?
*A.* Yes, I think there is over half a million dollars lost in the last two or three years in that section of country.

*Q.* Mr. Kirkland explained to you that he owned or had an interest in ten thousand acres?
*A.* Yes; he told me he had bought it as mining lands, and paid a dollar an acre for it, cash; he wanted to get the timber that was on the land by paying the regular timber dues, seventy-five cents a thousand.

*Q.* Was he ready to pay any more than that?
*A.* Well, I don't know that he made any other offer than that.

*Q.* You have had a great number of interviews with Mr. Kirkland, and I suppose there was no person he was more intimate with than yourself during the session?
*A.* I met him nearly every day.

*Q.* Did he ever offer you any money?
*A.* None; never offered me a cent.

*Q.* Or proposed to pay you in any way?

*A.* No.

*Q.* Did he ever talk to you of bribes, or bribing any person?

*A.* No, he wanted to get the timber; I think he spoke to Mr. Graham, or asked me to speak to Mr. Graham to make a speech in favour of that policy; said he would give him what was right for his trouble, or give him something substantial, something to that effect.

*Q.* Mr. Kirkland said that?

*A.* To Mr. Graham, yes.

*Q.* Mr. Graham told you that?

*A.* No, Mr. Kirkland; Mr. Kirkland, Mr. Graham and myself were in Mr. Graham's room, and he told him that if he would make a speech he would give any information that was required in regard to the country; that he would give him something substantial for doing so, or whatever was right for his trouble.

*Q.* Did he put it that way, whatever was right?

*A.* Something substantial, or whatever was right; and Mr. Graham repudiated the idea; said there was not money enough in the United States, or something like that, to buy him up.

*Q.* That is Mr. Graham of Lambton?

*A.* Yes, I walked out of the room then, and left Mr. Graham and Kirkland together.

*Q.* Mr. Graham's account of it is to this effect, that Kirkland came in to him and asked him, "Have you seen Mr. Lyon?" and he answered he had, and then Mr. Graham says that Kirkland said, "Well, I have come to complete that arrangement or bargain;" he is not certain which words?

*A.* Well, Mr. Kirkland and I went into the room together; he may have said something about completing an arrangement.

Q. Had there been any arrangement between you and Mr. Kirkland before?

*A.* Nothing more than what I have just stated, that he wanted my speech on it, he wanted others to speak on it as well as him.

*Q.* There had been no arrangement or bargain with you?

*A.* No.

*Q.* You had not offered Mr. Graham any money for Kirkland?

*A.* Oh, no.

*Q.* There was no arrangement then, between you and Mr. Graham?

*A.* Merely talking the matter over.

*Q.* Didn't Mr. Kirkland often tell you that he would not pay money to any person

*A.* Well, I don't know that he ever said anything about that, one way or the other.

*Q.* Did he say to you that he would not pay for anything done, for anything like votes in the House; he would not pay any members for any votes?

*A.* He said he would pay any man for any trouble he was at; he asked Mr. Awrey to make a speech too.

*Q.* Did you have any conversation with Mr. McKim about Kirkland?

*A.* We may have had, yes.

*Q.* Did McKim say to you that he wanted money from Kirkland for his services?

*A.* No.

*Q.* Did Mr. Balfour, member for Essex, say so?

*A.* No.

*Q.* Neither of them spoke to you that they wanted money for their services?

*A.* No, I sent them always to Mr. Kirkland themselves, if they wanted to have any conversation, and the same with Mr. Wilkinson.

*Q.* Did Mr. Balfour ask you to get some article or paper from Mr. Kirkland?

*A.* I don't think he asked me to get it, but Mr. Kirkland handed me a paper describing the country in that section of Algoma, and told me to hand it to Mr. Balfour.

*Q.* Mr. Balfour, then, had not asked you to get it?

*A.* No.

*Q.* It was Kirkland that gave it to you to hand it to Mr. Balfour?

*A.* Yes.

*Q.* What did you do with that article?

*A.* I gave it to Mr. Balfour.

*Q.* You have not had it since?

*A.* No.

*Q.* What was the nature of that article?

*A.* Just describing the country, the surface of the country.

*Q.* And what you stated previously in your examination?

*A.* About being a mountainous country, and so on, and describing how the timber was situated in that country; it is not a regular pinery; it is only in the valleys where there is some pine found.

*Q.* That article described that?

*A.* Yes; the most of it is burned on the high ground.

*Q.* I understand where Mr. Kirkland's land is it is not surveyed by the Government?

*A.* No.

*Q.* And in getting his patent I suppose he would have to get his own survey?

*A.* Yes.

*Q.* That would be expensive?

*A.* Yes.

*Q.* Have you any idea what expense that would be?

*A.* It was a considerable expense in that country.

*Q.* Great difficulty, I suppose?

*A.* Yes.

*Q.* Mr. Kirkland, I suppose, spoke to you about your vote on that timber policy?

*A.* Yes, he asked me if I would support that policy.

*Q.* Did he ask you to explain to the Government what you were doing in the matter before you voted against the Government?

*A.* No, I don't know that he did.

*Q.* Did he not ask you to tell Mr. Pardee?

*A.* No, I went and saw Mr. Pardee myself just as soon as Mr. McKim mentioned the thing to me.

*Q.* Mr. McKim was before Kirkland, was he?

*A.* No, he was after.

*Q.* After Mr. Kirkland had seen you did he ask you to see any one?

*A.* Mr. Kirkland for a considerable time after the session was trying to get the lands from the Government in this way that I mention.

*Q.* Did he ask you to see the Commissioner?

*A.* Yes, he did.

*Q.* Did he ask you to tell the Commissioner how you would vote in the matter?

*A.* No.

*Q.* He seems to think that he asked you to explain to the Commissioner how you would vote?

*A.* No. the Commissioner knew that I would support it though; knew that I was in favor of it.

*Q.* I suppose he did not know until after Kirkland had spoken to you?

*A.* Oh, yes; he knew it all along, I guess.

*Q.* Did you go to visit the Commissioner on Kirkland's behalf?

*A.* Yes.

*Q.* Did you take up a petition from people in your neighborhood?

*A.* Yes.

*Q.* How did you get that petition?

*A.* I think it was mailed down to me.

*Q.* Did it come from Port Arthur?

*A.* It came from that section of country; near all the names in that section of country, near all the leading men, were to it.

*Q.* You have not that petition?

*A.* No.

*Q.* What became of it?

*A.* I think it is in the Crown Land office. I took it to the Commissioner and left it there; the prayer of the petition was this, that they would sell the lands along with the timber at the upset price of a dollar an acre, and that parties buying the land should have the timber at seventy-five cents an acre dues, without ground rent; in the other sections of the Province, where the timber is pretty thick, and not sparsely scattered over the ground, they pay ground rent, but in that section there is so much section of territory that there is no timber on that it would not be fair to charge ground rent for the whole country.

*Q.* Did it refer to settlement?

*A.* It referred to settlement.

*Q.* In what way?

*A.* That a man buying a thousand acres of land, and getting the timber that was on it and paying the dues, might perhaps get 250 acres of good land in the thousand, and open it up and settle it.

*Q.* So that this change would be in favour of settlement?

*A.* In favour of settlement as well.

*Q.* This petition was signed by the most influential men?

*A.* All the leading people in that section of the country.

*Q.* You sent the petition in to the Commissioner?

*A.* Yes.

*Q.* You urged the Commissioner to do what was requested?

*A.* Yes.

*Q.* Because it was expressing your own views as well?

*A.* Yes.

*Q.* What reception did you meet?

*A.* The Commissioner would not listen to it at all; he said that the policy of the Government was to sell it by auction; it had always been the principle, and was the principle that would be carried out; he would not change.

*Q.* Did you see the Commissioner more than once about it?

*A.* I think only once; I saw that he was determined not to make any change.

*Q.* I understand you told Mr. Pardee that you would vote for this resolution if there was any resolution in favour of the change?

*A.* Yes.

*Q.* What answer did Mr. Pardee give to that?

*A.* Just as I have stated; he said that I could do just as I thought proper.

*Q.* Did Mr. Pardee make any remark in reference to the lumbermen on that occasion?

*A.* I don't recollect whether he made any; I think he did say that the lumbermen would be wanting to buy up all the timber all over the country if that policy was adopted.

*Q.* Didn't he say that the lumbermen would tear him to pieces if he made this change?

*A.* I don't know; I don't recollect him saying that.

*Q.* Or any words like that?

*A.* No.

*Q.* That the lumbermen would tear him to pieces—be angry at him if he made such a change; you don't recollect that?

*A.* No.

*Q.* Did Mr. Pardee give you any idea that if Kirkland would go to the Opposition and get such a resolution passed, that the Government would make a change?

*A.* No.

*Q.* I mean such a resolution introduced, not passed?

*A.* No, he never spoke to me on the timber question after that.

*Q.* Did he, on that occasion, give you to understand that if the Opposition would move in that direction he would make a change?

*A.* No.

*Q.* Did you communicate anything like that to Mr. Kirkland?

*A.* No.

*Q.* Did you give Mr. Kirkland the idea that he might go to the Opposition and try and get such a change?

*A.* He saw some of the members of the Opposition himself, and thought he would get them to move in it.

*Q.* That is later, I understand, when he saw the members of the Opposition.?

*A.* That was shortly after he had seen Mr. Pardee, and found he could not carry it with the present Government; then he went to the Opposition.

*Q.* Did you not give him some hint that he should go to the Opposition, and try and get some such resolution passed?

*A.* No, I had no conversation with Mr. Pardee after that.

*Q.* Did you not give Mr. Kirkland to understand that if he went to the Opposition and got such a resolution introduced, that the Government might change?

*A.* No, I could not do that, because I did not know what the Government might do.

*Q.* Was your language framed in such a way as to lead Mr. Kirkland to believe that?

*A.* No.

*Q.* Did you not urge him to go—did you not tell him he had better go to the Opposition?

*A.* No, I am sure that I did not.

*Q.* He says that it was at your request, or by hints from you, that he went to the Opposition?

*A.* Well, it is not correct.

*Q.* Did not Mr. Kirkland tell you most of the conversations he had with members of the Opposition?

*A.* No.

*Q.* Did he not tell you of meeting Mr. Meredith?

*A.* I don't recollect of him telling me anything about Mr. Meredith.

*Q.* Did he tell you a conversation that he had with any of the Opposition?

*A.* I think not.

*Q.* Did he tell you of any conversations he had with supporters of the Government;

*A.* He may have; yes, I think he had told me some conversations that took place? I don't recollect, just in substance, asking them to see the Commissioner and see if he could not get the timber in the way I have stated.

*Q.* Do you remember Mr. Balfour and Mr. Kirkland and yourself being present on any occasion?

*A.* We might have been.

*Q.* Do you remember any time when the three of you were present?

*A.* I don't recollect any particular occasion; we might all three be present very often; he was often down at the Walker House, and we were often at the Rossin.

*Q.* Mr. Balfour had a room in the Walker House?

*A.* Yes; I remember being in Mr. Balfour's room.

*Q.* Do you remember the three of you meeting in Mr. Balfour's room?

*A.* I don't remember the three being in, because if he went in, I generally went out and let them have the conversation themselves.

*Q.* He states that you were sitting on the bed, while he and Mr. Balfour were on chairs; do you remember that?

*A.* No.

*Q.* Do you remember Balfour and Kirkland conversing about money?

*A.* No, I don't think ever I heard them talking of money.

*Q.* Did you hear Kirkland say that he would not pay Balfour any money for his vote, or words to that effect.

*A.* No.

*Q.* You don't recollect that at all?

*A.* No, I heard Mr. Kirkland say that he would pay Balfour whatever was right for his trouble in getting up that speech, and the time that he occupied.

*Q.* Did he say he would not pay him for his vote?

*A.* Never heard him saying anything about buying or paying for a vote either.

*Q.* Did he say anything about paying a man for the time of getting up a speech? did he put it "if it were right"—that he would pay him if it were right?

*A.* He very often put that in his expressions, but I could not say whether he did that time or not.

*Q.* Did Mr. Kirkland tell you to let Mr. Pardee know that the Opposition would support this change?

*A.* I don't recollect; I know that I had no conversation with Mr. Pardee afterwards about the timber at all.

*Q.* I am asking you if Mr. Kirkland told you to tell Mr. Pardee that?

*A.* Neither with the Opposition nor the supporters of the Government.

*Q.* I am asking you if Mr. Kirkland told you to tell the Commissioner of Crown Lands that the Opposition were going to support this change?

*A.* No, I don't recollect.

*Q.* Do you think that Mr. Kirkland thought that his conversations with the Opposition were reported to the Government all along?

*A.* I couldn't say.

*Q.* Do you think he was trying to work in a way to hinder the Government from knowing what he was doing?

*A.* No, I thought not.

*Q.* He was not working against them?

*A.* He was the other way; he told his plans to too many; I think, to succeed.

*Q.* You do not think he was trying to do what he was doing in the dark, so as not to let the Government know anything about it?

*A.* No, I don't think so; he wanted to get the timber; he had no desire either to overthrow the Government or place the Opposition in power; if he got his timber that was all he wanted.

*Q.* Do you remember the conversation with Mr. Kirkland where you counted the Government majority?

*A.* I never counted them; he had them down on a piece of paper.

*Q.* Do you remember this coming up, that he said even if Balfour, Dowling and McKim sold themselves to the Opposition, that the Government would still have a majority?

*A.* Yes, I think I recollect that.

*Q.* Do you remember any conversation in which he said, referring to these men, McKim, Balfour, and Dowling, "that those fellows would get into trouble in their craze for money?"

*A.* I don't recollect that.

*Q.* Or anything like that?

*A.* No

*Q.* That he said those fellows would get into trouble in their craze for money for votes?

*A.* No, I don't recollect anything of that kind.

*Q.* Do you remember, on talking with him, that he said that there was too much of an odor of politics around—that he was getting too much into politics?

*A.* He may have said that; I think he has said that.

*Q.* And did he say there was too little private business for him to remain longer in Toronto?

*A.* I don't recollect that.

*Q.* Too little legitimate business, did he say that—that there was too much of an odor of politics in the air?

*A.* He may have said it, but I don't recollect it.

*Q.* Didn't you think from all Mr. Kirkland's conduct as you saw it that he thought he had the friendship of Mr. Pardee and Hardy all through, he was not working against them?

*A.* No, I never found him working against the Government.

*Q.* Don't you think that he imagined that he had their friendship all the way through?

*A.* Well, I could not say that, but with regard to his operations with the Opposition I did not know anything of them.

*Q.* Did not you gather from it that he thought that he was friendly to the Government?

*A.* He appeared to be friendly with the Government always; I don't think he cared anything at all for any body only to get the timber, that was his object.

The CHAIRMAN.—*Q.* If the Government gave him the timber I suppose that he would be quite friendly?

*A.* Yes.

Mr. CASWELL.—*Q.* Do you remember McKim introducing Mr. Kirkland to Wilkinson?

*A.* I don't remember; he may have done it, but I don't recollect it just now.

*Q.* Don't you recollect some time in the previous week before he was arrested, Mr. McKim introducing Wilkinson and Kirkland?

*A.* I think they must have been acquainted before that.

*Q.* You don't recollect their being introduced?

*A.* No.

*Q.* He says about the tenth or eleventh March?

*A.* Oh, they must have been acquainted before that.

*Q.* What reason have you for supposing that?

*A.* Why, because Kirkland was down there every night nearly, or every few nights, and Mr. Wilkinson was there too, stopping at the Walker House; when they are around every few nights they are very likely to be acquainted.

*Q.* I have no doubt there were persons stopping at the Walker House all winter that you were not acquainted with at all!

*A.* I knew most of them, I think.

*Q.* You don't recollect Kirkland being introduced by McKim?

*A.* No, I don't recollect it; if you can bring anything to my memory I might perhaps recollect it, but I don't recollect it at all.

*Q.* Do you know that he was talking to Balfour, McKim and other members on the Government side on this timber policy long before he knew any of the Opposition?

*A.* Yes, he talked to them first.

*Q.* Did he not state to you that all he wanted about this timber policy was to have it discussed in the House on its merits?

*A.* He wanted it brought up on the floor of the House.

*Q.* And discussed, and then either voted for or voted down on its merits?

*A.* Yes.

*Q.* And I suppose you were as anxious as Kirkland was?

*A.* I did not care a great deal about it, because I was not personally interested only for the interest of my constituents.

*Q,* Still you were anxious I suppose to have the matter discussed?

*A.* Yes, a man that has laid out ten thousand dollars and spent seven or eight thousand dollars in improving the river—a good settler ought to be encouraged.

*Q.* He has improved the river?

*A.* Yes, his improvements to Pigeon River will cost seven or eight thousand dollars

*Q.* He is a useful man there?

*A.* Yes, he would have brought up five or six hundred people.

*Q.* Many of whom would be settlers?

*A.* Well, it is altogether likely some of them would have settled on the land.

*Q.* Do you know he had a surveyor out from Port Arthur?

*A.* Yes.

The CHAIRMAN.—It does not seem to me to be a question which policy was the better one; the question seems to be, had the Government a policy.

Mr. CASWELL.—That may be, but we have learned a great deal this afternoon about how cheques should be signed, and we did not object.

The CHAIRMAN.—That may be very material, how cheques are signed.

Mr. CASWELL.—What I want to show is that this man had no interest in turning out the Government, or keeping in the Government; he was simply anxious to make the change.

*Q.* Mr. Kirkland was not asking for any private bill that he might get the timber on his own land?

*A.* No.

*Q.* He was trying to get a change for the locality?

*A* A change for the whole country—the whole section of country.

*Q.* It was not that he should get the timber on his own land?

*A.* No.

The CHAIRMAN.—If he got the policy changed it would result in giving him the timber on his own land.

Mr. CASWELL.—Well, then he would have to go to the Commissioner to buy it like any person else.

*Q.* Do you know whether Mr. Kirkland ever referred members of Parliament he saw to you to get information about that part of the country?

*A.* Yes.

*Q.* I suppose they came to you and said Mr. Kirkland had referred them to you?

*A.* Yes.

*Q.* Did either of these gentlemen, Mr. McKim or Mr. Balfour, tell you that they were trying to get money from Kirkland?

*A.* No.

*Q.* Nor did they say that Mr. Kirkland refused them money?

*A.* No, they did not say anything about money to me at all.

By Mr. MEEK.—*Q.* You say that Mr. McKim was the first person that approached you?

*A.* Yes.

*Q.* When was that?

*A.* It was on the same evening that we met in the Walker House.

*Q.* Did he ask you to come out with him and walk down with him to the Walker House to Wilkinson's room?

*A.* He asked me in regard to whether I would support this resolution or not; in the first place, the House was in session; after some conversation I told him I would let him know in half-an-hour; in half-an-hour afterwards I did let him know.

*Q.* Then did he ask you to walk down with him to the Walker House?

*A.* Yes.

*Q.* Did he say that any person else would walk down with you two?

*A.* He said that we would meet you and Mr. Wilkinson.

*Q.* Did he tell you that I was in the House?

*A.* I think not.

*Q.* Are you positive about that?

*A.* Yes, I expected to meet Mr. McKim.

*Q.* Did he say that Mr. Wilkinson had made an appointment with him—an arrangement with him?

*A.* He said that you and Mr. Wilkinson were to meet me at the Walker House; meaning him and I.

*Q.* Did he say that he had arranged that; did you understand that he had arranged that?

*A.* Yes.

*Q.* Was he anxious to get the petition withdrawn in your case.

*A.* Oh, he didn't seem very anxious.

*Q.* He was very friendly with you?

*A.* I was always friendly with Mr. McKim

*Q.* And very desirous of having the protest withdrawn, wasn't he?

*A.* I don't know that he was; but he said that I could get it withdrawn if I would support that resolution.

*Q.* Did he say that he could manage that for you?

*A.* No, he did not; he said that he would meet you and Wilkinson and I down at the Walker House, and I would hear what you had to say.

*Q.* Did you go down to the Walker House that evening?

*A.* We did.

*Q.* Did you go down with Mr. McKim?

*A.* No, I think not; I think I went down alone.

*Q.* Some time after, was it?

*A.* Some time after; I did not notice McKim; I could not see him in the House.

*Q.* That conversation was in the evening, while the House was sitting?

*A.* Yes.

*Q.* And he said he would go down after a short time?

*A.* Yes.

*Q.* Then half-an-hour elapsed in your interview with Pardee, and then when you came to look for him you didn't find him?

*A.* I did not see him just then.

*Q.* So then you walked down alone?

*A.* I walked down part of the way alone; I don't know but that I met him on the road somewhere.

*Q.* Did you meet him on the street, waiting for you, pacing up and down?

*A.* I don't know; it was dark.

*Q.* Then you went down to the Walker House, and you went to Mr. Wilkinson's room?

*A.* Well, I am not positive whether it was Mr. Wilkinson's room or my own room.

*Q.* Don't you know that I never was in your room at all?

*A.* Perhaps not; it was a room at the head of the stair, No. 9.

*Q.* Do you recollect going into the room with Mr. McKim?

*A.* I recollect going into the room and meeting you and Mr. Wilkinson.

*Q.* Up to that time you had not seen me since you met me in Algoma?

*A.* I did not meet you. I might have seen you on the street. I think I met you one day in the Post-office.

*Q.* But not to have any conversation at all?

*A.* No, no conversation.

*Q.* Then when you and Mr. McKim came into the room, where did you sit, yourself?

*A.* I don't recollect whether it was on the lounge.

*Q.* It was a bed-room, wasn't it?

*A.* Yes.

*Q.* Don't you recollect taking a seat at the foot of the bed, in a chair?

*A.* I don't recollect whether it was a bed, a chair, or a lounge; we sat down, anyway, and had a conversation.

*Q.* You sat down beside me?

*A.* Perhaps I did sit beside you, I am not sure.

*Q.* Do you remember where McKim was?

*A.* He was close by.

*Q.* But at the time you first came in?

*A.* No, I don't recollect.

*Q.* Do you remember him sitting up at the head of the bed on the bed?

*A.* He may have been sitting up on the bed.

*Q.* At the far end of the room?

*A.* Yes; well the bed was next the stair, and the vacant part of the room was next the north end of the street where the window was.

*Q.* That was where you were sitting?

*A.* Perhaps it was; I could not say where I was sitting.

*Q.* You poured some glasses of whiskey down you?

*A.* I don't recollect whether I did; I might have done, but I don't recollect; it would not be an uncustomary thing to do, anyway, if I did it.

*Q.* You mentioned to me that Mr. McKim had told you that Mr. Wilkinson had told him that the petition would be withdrawn?

*A.* Yes.

*Q.* And do you remember what I said to that?

*A.* I don't recollect.

*Q.* Do you remember my saying that I could not consent to it?

*A.* I think you said you were the lawyer for the petitioner.

*Q.* Do you remember my saying it would be an unprofessional thing to do?

*A.* I don't recollect; however, you agreed to it before you left.

*Q.* Do you remember me making use of that expression, that it was an unprofessional thing, that I could not do it on that account?

*A.* Yes, you may have said that.

The CHAIRMAN.—*Q.* What would be unprofessional?

Mr. MEEK.—*A.* To withdraw a petition on condition that the party would give his vote in the House.

*Q.* Do you remember me saying that a solicitor would be liable to be struck off the rolls for a thing of that kind?

*A.* You may have said that.

*Q.* Do you remember your asking me to get you a written guarantee endorsed by Mr. Bunting or Mr. Creighton?

*A.* Or, Mr. Meredith.

*Q.* You did not use the word Meredith, you are mistaken about that, I think entirely, I am perfectly satisfied about it; it was Bunting or Creighton you mentioned?

*A.* I think Mr. Meredith was mentioned, there is no doubt of that; you said you did not want to mix him up with it.

*Q.* Do you remember me saying to you that they had nothing whatever to do with it; that I would not ask Mr. Bunting nor Mr. Creighton to do anything of the kind because they had nothing to do with it; had no control over it?

*A.* You said you would get Mr. Bunting to guarantee the withdrawal of the petition.

*Q.* Be careful?

*A.* Well, I think I am careful.

*Q.* That I said such a thing as that?

*A.* Yes, and Mr. Bunting; either you or Wilkinson asked me to go up and see Mr. Bunting.

*Q.* If you put it that way I do not mind accepting your statement, but I do not want you to put into my mouth something that Wilkinson or anybody else said; did I not talk to you indignantly about it?

*A.* Yes, you said that you had expended more of your private funds than any other Conservative in the party.

*Q.* And received no benefit?

*A.* Received no benefit, and that you had all to do with the protest, and if it was withdrawn it would be withdrawn through you and nobody else.

*Q.* If it was withdrawn I would be the party to withdraw it, and nobody else?

*A.* Yes.

*Q.* Don't you recollect my saying to you that it was an unreasonable thing, that you were a man of too much judgment, or good judgment and common sense, and that you must know that there was no necessity of you asking me such a question as that?

*A.* I don't recollect that.

*Q.* Do you remember of my saying that to you?

*A.* What would be the object of us going there at all if that was to be the case?

*Q.* Mr. McKim's object was to get a written guarantee so as to catch somebody, but do you recollect my saying to you that if you were a supporter of ours we would be idiots to try and unseat you?

*A.* Yes, I remember that.

*Q.* Do you remember my following that up by saying, "what is the sense of your asking me for a guarantee?"

*A.* Yes, but I insisted on a guarantee.

*Q.* I know you did, but you did not get one?

*A.* I have got one, yes.

*Q.* You admit that that much of it at any rate took place, and now you have mentioned that there were several meetings; I want you to think of that; did not the next meeting—the next time I met you, the next conversation in reference to that petition—take place the same evening on my passing out after you and Mr. McKim had left the room, had gone down stairs, in the reading-room?

*A.* No, we had a second meeting.

*Q.* Where was that?

*A.* It was up I suppose in the same room.

*Q.* In Mr. Wilkinson's room?

*A.* Either Wilkinson's or mine.

*Q.* You must be mixing something else up; I never met you afterwards?

*A.* Well, I think I can convince you that you met me twice; the first time that you met, you and Wilkinson seemed to have some difficulty about withdrawing the protest; you rather stood on your dignity, and said that if the protest was to be withdrawn that it was to be withdrawn through you, that you had full charge of it; then we had a meeting afterwards in the Walker House upstairs; it must have been in the same room; I recollect very well it was in the same room; and when you and Wilkinson came together the second time you were quite agreed on it.

*Q.* Do you mean to say you were there in the same room when I went in?

*A.* I don't know whether I was there when you went in or not, but I was there anyhow.

*Q.* Are you sure that I was present at that meeting?

*A.* Yes, you were present.

*Q.* I want you to think again; you don't want to say anything against me?

*A.* I don't want to tell anything but the truth. What impresses it strongly on my mind—the first time that you and Wilkinson and I met you were indignant about it; the next time you met you were all agreed upon it; you remember you and Mr. Wilkinson having some trouble about who should get the credit of overthrowing the Ontario Government?

*Q.* No, it never happened.

*A.* Do you stand up in this room with the veracity of a man, and say that never happened?

*Q.* Certainly, it never occurred.

*A.* Wilkinson said he had done more of that business than any one in the party, and he deserved credit for it; you were present; and he also said this, that he was quite willing to give the credit to Mr. Bunting, if you thought you were entitled to the credit as you had spent so much of your own money in the Conservative cause.

*Q.* That is all news to me; I never heard of that before; you must be entirely mistaken about that.

*A.* It is not new to the others that were there; Mr McKim was there present.

*Q.* Mr. McKim did not tell us anything about that at all in all the three different examinations he has had.

*A.* Did you ask him?

*Q.* He has been thoroughly cross-examined three or four different times.

*A.* Do you recollect then at the second meeting?

*Q.* I don't recollect any second meeting at all.

*A.* You said, "now, you must not give too much of this timber away to your friends; our friends want to get a share of it; remember, I don't want any of this timber myself, all I want is to be made Solicitor of the timber business." Do you remember that?

*Q.* Nothing of the kind; I think you are trying to make two meetings out of the two different drinks you had there.

*A.* No, two evenings.

*Q.* How many drinks did you have that evening?

*A.* We had one.

*Q.* You had a good many before you came there?

*A.* No, I don't think we had; I was perfectly sober.

*Q.* I had my doubts about that at the time?

*A.* Well, perhaps you might have been a little in that direction.

*Q.* I don't know if the two glasses of beer I had in the room would make me so.

*A.* That is just to the extent that I had, too.

*Q.* It was my impression that you had a good many before you came there.

*A.* No, sir; I went down to supper at the Walker House, and came up here to the House, and was sitting in the House when Mr. McKim came to me the first time.

*Q.* How many drinks had you before you came into the room that night?

*A.* Perhaps one more that day.

*Q.* How many more than one?

*A.* I don't think any more than one.

*Q.* How many that evening before you came into that room at all?

*A.* I had none that evening until we went upstairs.

*Q.* How long had you been in the bar-room of the Walker House before you came upstairs?

*A.* I don't think I was in the bar at all; I came right down, and upstairs in a few minutes.

*Q.* Didn't you and Mr. McKim come up from the bar-room of the Walker House into Mr. Wilkinson's room?

*A.* No.

*Q.* Do you recollect that when Mr. Wilkinson would not take a drink that you took his drink too, as well as your own?

*A.* No.

*Q.* Upstairs in that room Mr. Wilkinson neither smoked nor drank, was a temperance man, and had been all his life, and you took drinks for both of them?

*A.* He drank repeatedly; I saw him in the Walker House; he drank wine and other drinks.

*Q.* Do you say you did not take two glasses of whiskey—one Wilkinson's and the other yours?

*A.* I don't recollect doing anything of the kind.

*Q.* Do you recollect ordering a second round of drinks?

*A.* No, I do not.

*Q.* And your repeating the dose the second time, taking two glasses—one of Wilkinson's and the other of yours—when the four drinks were brought in by the waiter?

*A.* No, I do not; it is not correct at all.

*Q.* Do you deny that?

*A.* I do; that is not so.

The Chairman.—Mr. Lyon has sworn that he was not intoxicated that evening at all.

Mr. Meek.—I am trying to see if he would not admit that he was; sometimes men do not know when they are intoxicated.

The Chairman.—If he was intoxicated he would not know how many drinks he had.

Mr. Blake.—The only intoxication was the intoxication of the glory of defeating the Mowat Government.

The Chairman.—Let us get on faster.

*Q.* Do you recollect when I was passing out of the hall of the Walker House, either you or McKim whistling to me; you were sitting over in the reading room, but in a dark corner?

*A.* No, we didn't whistle to you; you came right up; I didn't notice you till you were right up beside me.

*Q.* Did you not whistle to me? That was along about twelve o'clock at night?

*A.* I don't recollect what time it was; it was not very late; we were in there I think reading newspapers.

*Q.* Were you not sitting side by side?

*A.* McKim and I were in the room together; you came down stairs and came in there.

*Q.* Were you and McKim not sitting side by side as I came downstairs, and was going to pass out?

*A.* We were in the reading room; you don't pass out through the reading room to go out doors.

*Q.* I was passing the door of the reading room when you two were sitting side by side?

*A.* We were sitting together I know when you came up and shook hands with us and said the matter was all right now.

*Q.* Do you remember saying to me that all you wanted to say was good-night, and to ask me to have another drink?

*A.* No, but I remember what you said; you said that it was all right now, the protest was all right, and we would be fast friends forever, and shook hands.

*Q.* Do you recollect asking me, "Now, won't you consent to withdraw that protest"?

*A.* You said the protest was all right.

*Q.* Did you not say to a gentleman in Toronto since this matter came out, that I never had made any approach to you at all?

*A.* No.

*Q.* Do you deny that you said that?

*A.* I do deny it.

*Q.* Of any kind whatever?

*A.* Most emphatically, too.

*Q.* Did you not say to Mr. Whitfield, who saw you then, serving a paper in connection with it, when you took him in and asked him to have a drink with you, and sat down and talked the matter over with him—did you not say to him that I had never made any approach to you of any kind, and McKim was entirely wrong in that?

*A.* I never did.

*Q.* You remember his serving a paper upon you?

*A.* He served me a paper in regard to the protest.

*Q.* And then he served you an order for your examination?

*A.* I think so.

*Q.* And it was after the exposure in the Police Court?

*A.* I don't recollect whether it was after or before.

*Q.* You have been examined since the 17th March in this case?

*A.* Yes.

*Q.* You were examined here a short time ago in the case?

*A.* Yes.

*Q.* Sometime before you were examined in the case you were served with an order for examination?

*A.* Yes.

*Q.* Sometime in April?

*A.* Sometime before, because I had gone home and come back again.

*Q.* Do you remember who served you?

*A.* I was served sometime in April, I think by a clerk of yours both times; I don't remember what his name was.

*Q.* He paid you a dollar, and do you remember telling him that he could take the dollar in and spend it?

*A.* I don't recollect; I might spend part of it.

*Q.* Do you remember saying to him that I had never made any approaches to you of any kind whatever?

*A.* Never said anything of the kind; I deny it most emphatically, because I would be telling a downright untruth.

*Q.* Was it you that sent Mr. Cameron M'Crea to me?

*A.* No, I did not send him to you, but he said he would go to see you.

*Q.* Do you mean to say you do not know about his coming to me twice about this matter?

*A.* Only once.

*Q.* Twice he came up to my house one evening just before you were examined here in June?

*A.* He said he did not want to have another election; he would go and see you and have the protest withdrawn.

*Q.* And telling him to make a proposition to me that you would not give evidence if I would let the matter drop.

*A.* Yes, well, he might have said that to you; I don't know what he said.

*Q.* He came to me with your knowledge?

*A.* He said he was going to see you, that is all I know.

*Q.* And with your consent?

*A.* Well, I did not object to him going; I told him he might go if he liked.

*Q.* Did you also send him to Mr. Meredith when he went to him?

*A.* No.

Commission adjourned at 5.05 p.m. till 10 o'clock a.m. to-morrow.

## FIFTH DAY.

Friday, July 18, 1884.

Commission resumed at ten a.m., pursuant to adjournment.

All parties present.

The Sheriff calls John Shields, Thomas A. Keefer, Frederick Stimson, and John A. Wilkinson, on their subpœnas. No response.

Robert Adam Lyon, recalled by Mr. Blake.

*Q.* You were elected as a supporter of the Mowat Administration?

*A.* I was elected as an independent.

*Q.* Were you or were you not a supporter for the Mowat Administration?

*A.* I was a supporter, yes.

*Q.* You presented to Mr. Pardee a policy which you thought in the interest of that portion of the province?

*A.* Yes.

*Q.* But he did not see it?

*A.* No.

*Q.* And you could not move him from the ground upon which he was standing?

*A.* No.

*Q.* Had you any interviews?

*A.* I just had one interview—one principal interview—and I saw that it was useless.

*Q.* Was that an interview at which Mr. Kirkland was present with you?

*A.* I think not.

*Q.* You were on another occasion with Mr. Wilkinson to see the Commissioner?

*A.* Well, I don't recollect of Mr. Kirkland being with me.

*Q.* One of the main matters in the policy of the Government was that they desired that the articles should all be put up at auction?

*A.* Public auction, yes.

*Q.* It was thought in this policy that it would be better to sell it as other Crown Lands?

*A.* Sell it as other Crown Lands, giving the timber to the settler, and not selling it by auction, by paying the regular timber dues.

*Q.* Then there was the usual discussion as to whether speculators would make more or less out of the sale or non-sale?

*A.* Yes.

*Q.* The Government thought it would be better to sell it by auction, and they continued that policy?

*A.* Continued that policy.

*Q.* Were you aware that Mr. Kirkland had at all approached any members of the Government, until he found that the Government would not alter that policy?

*A.* I am not aware of him approaching any member of the Government; as I said before, I do not recollect of ever being present with him at any interview.

*Q.* Then did you understand that he was approaching followers or supporters of the Government in regard to the timber policy?

*A.* I understood that he had spoken to different supporters of the Government to put the matter squarely before the Government and see if he could not get a change of policy.

*Q.* When did you know that from that he was going to interview the Opposition in regard to the question of the timber policy?

*A.* Well, I don't know that I was aware of him interviewing the Opposition at all

*Q.* Any of the members?

*A.* No.

*Q.* Private members—I do not refer to the leaders?

*A.* No.

*Q.* Will you just mention exactly what it was that Mr. Kirkland said he was prepared to do for Mr. Balfour?

*A.* He asked me to see Mr. Balfour, ask him to make a speech, and he gave me a statement of the description of the country and so on, to help him to describe the country in that section, and said that he would give him whatever was right for his trouble.

*Q.* Was it in that connection that the word right came in—that he would give him whatever was right for his trouble?

*A.* Yes, he brought that in very often in his conversation.

*Q.* Was it always in the same language or in the same terms—that he would give him whatever was right for his trouble?

*A.* Yes.

*Q.* Was it give or pay, or do you recollect exactly the language?

*A.* I think he never made any direct offer; he said he would give whatever was right.

*Q.* Then that paper he asked you to sign was an agreement to vote against the Government?

*A.* Yes.

*Q.* So that Mr. Kirkland, if he could get his policy without defeating the Government, would take it, but if he could not get it without defeating the Government, he was quite ready to defeat the Government to get it?

*A.* I don't think he had any intention of defeating the Government.

*Q.* He got you to sign a paper in which you said you would vote?

*A.* Yes.

*Q.* He did ask you then to do that?

*A.* Yes; at the same time I submitted all the information, before I took that course, to the Government.

*Q.* What was it you had told the Government?

*A.* I told them what Mr. McKim represented to me, that the protest would be withdrawn if I voted on that one question.

*Q.* Mr. Kirkland had asked you, in and through the round robin, to vote against the Government?

*A.* Yes, afterwards.

*Q.* And you were prepared to have done that?

*A.* Yes.

*Q.* And he was prepared to have done that, if he could not get his timber policy any other way?

*A.* I suppose there is no doubt of that.

*Q.* Otherwise it was absurd asking you to sign that piece of paper?

*A.* Yes.

*Q.* You did not fully answer Mr. Meek as to what took place about the question of the defeat of the Mowat Government; when you and Mr. Meek had the little passage-at-arms yesterday, he did not care for you to tell all about it; how did that arise?

*A.* I already explained how this meeting took place.

*Q.* How did that part of the conversation arise as to the defeat, and who was to have the glory of the defeat of the Government?

*A.* There seemed to be a misunderstanding among themselves, between Mr. Meek and Mr. Wilkinson and Mr. Bunting.

The Chairman.—*Q.* Was Mr. Bunting present?

*A.* Mr. Bunting was not present.

Mr. Blake.—*Q.* About what point was that?

*A.* Who was to have the glory of defeating the Mowat Government.

*Q.* Did that arise incidentally in your conversation?

*A.* I could not exactly say how it commenced, that part of it.

*Q.* What was said on that point?

*A.* Just what I have stated. Mr. Wilkinson said that he had done a great deal of that sort of thing.

*Q.* What sort of thing was that?

*A.* Buying up the parties at elections and so on, and that he was the cause of bringing this about.

*Q.* Mr. Wilkinson insisted that he had done a great deal in the way of buying up parties at elections, and that he had caused this result?

*A.* Yes.

*Q.* What was the answer to that?

*A.* That seemed to be admitted.

*Q.* He stood *facile princeps* in that?

*A.* Yes.

*Q.* What was the next?

*A.* Mr. Meek said that he had spent a large amount of his own private means for the support of the Conservative party—he believed more than any other man in the Conservative ranks—and that he should be entitled to the credit.

*Q.* Then did they decide it then?

*A.* No, there seemed to be some difficulty, but it was at the second meeting they were unanimous.

*Q.* There was another meeting, and this thing was brought up?

*A.* Yes.

*Q.* Who was at that other meeting?

*A.* Mr. Wilkinson, Mr. Meek, Mr. McKim.

*Q.* You say that it arose on that occasion?

*A.* Well, they seemed to be united, and seemed to have reconciled all matters.

*Q.* Who was to have the chief glory there?

*A.* Mr. Bunting.

*Q.* They both resigned—Mr. Meek and Mr. Wilkinson—in favor of Mr. Bunting?

*A.* Yes; Mr. Wilkinson was in favor of giving Mr. Bunting the credit in the first place.

By Mr. Meek.—*Q.* You swore last evening, very distinctly, to three distinct meetings with me in reference to this matter?

*A.* Yes.

*Q.* Mr. McKim was present at all those three meetings?

*A.* Yes, I think he was present at all three meetings.

*Q.* One of them in Wilkinson's room?

*A.* In the room at the head of the stairs? I don't remember whether it was Mr. Wilkinson's room, or whose room.

*Q.* And the other in the reading-room at the hotel?

*A.* In the reading-room; you just came up and said what I have stated.

*Q.* You say at the first meeting I was opposed, and at the second meeting, in Wilkinson's room, I then consented to withdraw the petition?

*A.* On the first meeting I was led to believe that you were going to withdraw the petition.

*Q.* From whom?

*A.* From you.

*Q.* And at the second meeting?

*A.* It was confirmed.

*Q.* You are just as positive about that as you are about anything you have stated to us?

*A.* That is correct as far as my knowledge.

*Q.* The first meeting was the meeting at which I expressed indignation about being requested to withdraw it?

*A.* No, there was not a great deal of indignation, though.

*Q.* You draw it mild on that?

*A.* Yes.

By Mr. Caswell.—*Q.* You say that Mr. Kirkland brought to you the paper called the "round robin?"

*A.* Yes.

*Q.* What did he say to you when he brought it?

*A.* He asked me to sign it; I don't recollect what language he used; I just read it, and signed it

*Q.* Had he apparently known what was in it before you read it?

*A.* Well, I could not say as to that.

*Q.* Did you read it out so that he could hear it?

*A.* No, I think not; I just looked over it; I may have done so; I don't recollect whether I read it aloud or looked over it.

*Q.* Do you think you held it in such a position that he could see what was in it?

*A.* Mr. Kirkland? oh, yes, he could see what was in it.

*Q.* He could easily see what was in it when you were reading it?

*A.* Yes.

*Q.* Did he make any remark to you about seeing the Government before you would sign it?

*A.* No, not that I am aware of.

*Q.* Did he not ask you to see the Government before you would sign any such paper as that?

*A.* No.

*Q.* Did he ask you to see Mr. Pardee?

*A.* No, I had seen Mr. Pardee already.

*Q.* No, but about signing this document?

*A.* Well, the signing of the document was to the same purport as what I had seen him about.

*Q.* What you had seen him about was about changing the timber policy, about this petition?

*A.* Well, the resolution was about the timber policy.

*Q.* Did he ask you not to sign that unless you had told the Government?

*A.* I don't recollect.

*Q.* He asked you not to sign it unless you told the Government that you were going to do so?

*A.* I don't recollect anything of that kind.

*Q.* Or let the Government know that you were going to do so?

*A.* The Government did know that I was going to do so.

*Q* Did they know that you were going to sign a paper of this kind?

*A.* No, they knew I was going to vote.

*Q.* Did he ask you to let the Government know before you signed such a paper as this?

*A.* Not that I recollect.

*Q.* This is the first you heard of this paper?

*A.* No, not the first I heard.

*Q.* You say you had not seen the Government about this document before?

*A.* Not about that document before.

*Q.* Did he not ask you not to sign the document unless you let the Government know you were going to vote against them?

*A.* I don't recollect.

*Q.* I would like you to think carefully on that point?

*A.* I think I have thought carefully.

*Q.* Did he not put it that way, "Don't you sign this document unless the Government know that you are going to vote against them?"

*A.* No, I don't think at the time I signed it; but we had some conversation prior to him bringing that round robin to me, and asking me if I would sign one; I said, yes I would.

*Q.* He asked you what?

*A.* If I would sign one to vote against the Government on the timber resolution I said I would, and when I saw the document I paid very little attention to it then.

*Q.* Did he tell you on that former occasion not to sign it unless the Government knew that you were going to sign it?

*A.* No, I don't recollect him stating it.

*Q.* Or that you were going to vote against them on that policy?

*A.* No, I don't recollect; it might be so; I don't remember.

*Q.* If he says so would you be prepared to contradict him?

*A.* I don't know that I would; I have no recollection; I know this, that Mr. Kirkland had no desire to overthrow the Government.

THOMAS MARKS, called by Mr. Blake, sworn.

*Q.* Where do you reside?

*A.* Port Arthur.

*Q.* You are the Reeve, I believe, of Port Arthur

*A.* Yes, I am Mayor of Port Arthur.

*Q.* Have you resided there long?

*A.* About twelve or thirteen years.

*Q.* Were you present in Toronto in the month of March last?

*A.* Yes

*Q.* What was the object of your visit here?

*A.* I came down to get our town incorporated.

*Q.* I believe you were and have been for years past a prominent member of the Conservative party?

*A.* Yes.

*Q.* Was there any other object in your visit to Toronto other than getting the town incorporated?

*A.* No other object.

*Q.* Do you recollect when you came here?

*A.* I don't exactly remember; I came in January some time; I think it was about the middle of January.

*Q.* Then did you pay a second visit here?

*A.* No, I stayed on until the latter part of February, I think.

*Q.* Were you not down in Toronto subsequently to that, in March or April?

*A.* I continued in Toronto; I stayed in Toronto from the first of January until the latter end of February; I was attending to this incorporation bill.

*Q.* Were you not here in March?

*A.* I think I was; yes, part of March.

*Q.* At all events, it was one continuous visit that you paid here?

*A.* Yes; of course, I went on to Montreal and came back again.

*Q.* And then you returned, you think, to Port Arthur some time in the month of March?

*A.* No, I returned in the beginning of April.

*Q.* Then did you remain on in the city of Toronto, with the exception of your visit to Montreal?

*A.* Yes.

*Q.* So that you were here through March?

*A.* Part of March, yes.

*Q.* What time was it that you paid your visit to Montreal?

*A.* It was the time of the carnival; I forget the time now; it was in the beginning of March sometime, or the latter part of February; I am not certain.

*Q.* Did you go directly to Montreal?

*A.* Yes.

*Q.* And returned directly from Montreal?

*A.* No, I called at Ottawa on my way back.

*Q.* Do you recollect what time it was when you called at Ottawa?

*A.* Well, it was a few days after the carnival; I don't remember dates very well.

*Q.* You remember such things as a carnival?

*A.* Yes.

*Q.* You then did not take part in that?

*A.* No, I just went down there for curiosity; I think it was the latter part of February.

*Q.* You just remained through the carnival week, and then came up to Ottawa?

*A.* And then came up to Ottawa.

*Q.* How long did you remain there?

*A.* About three or four days.

*Q.* And then came on to Toronto?

*A.* Then came on the Toronto.

*Q.* Whom did you chiefly see in connection with the incorporation of your town?

*A.* Oh, I saw Mr. Hardy and I saw Mr. Mowat and Mr. Pardee; I also had some conversation with Mr. Fraser—he was Chairman of the Private Bills Committee.

*Q.* Had you any discussion with any of the members of the Opposition about your incorporation?

*A.* Oh, just a few of them; I asked some of them if they would support it.

*Q.* Was there any violent opposition to it?

*A.* Well, there was considerable opposition; there were some people from Port William there, who were interested there, opposing it to a certain extent.

*Q.* Was there anybody especially who was looking after your bill other than yourself?

*A.* Well, Mr. Lyon was looking after it.

*Q.* Anybody else in particular?

*A.* Well, Mr. Laird was down here for a time; he was of some assistance; he is stipendiary magistrate in Port Arthur; Mr. Lyon had charge of the bill.

*Q.* Did you, during your visit here, or do you, know a Mr. Wilkinson?

*A.* No, sir.

*Q.* Did you see him?

*A.* I don't remember ever meeting the man. I don't know him at all.

*Q.* Did you, during your visit, meet Mr. Kirkland.

*A.* Yes.

*Q.* Had you known him before?

*A.* I knew him; I have known him off and on for a couple of years.

*Q.* In what way did you first become acquainted with him?

*A.* He was exploring the Pigeon River country on the Minnesota side, I think first; afterwards I think he explored both sides, exploring the timber on both sides of the Pigeon River; he made some visits over to our place.

*Q.* Was he assisting you at all in the incorporation of your town?

*A.* Well, I don't know that he was; he probably would like to see it formed.

*Q.* Was he assisting you?

*A.* I don't remember; of course he was speaking in favour of it.

*Q.* Did you ask him to do so?

*A.* I don't think so.

*Q.* Had you any conversation with him about the political situation or aspect of matters?

*A.* Well, not much.

*Q.* What was the little that you had about it?

*A.* Oh well, the only thing that I had any conversation with him about was the timber policy; there was a petition sent down from Port Arthur and vicinity praying that the Government should change the timber policy and sell the land and the timber in place of selling it by auction, sell it to the settlers; that was the nature of the petition.

*Q.* That was your idea as well as Mr. Kirkland's?

*A.* Yes.

*Q.* That a policy other than that which was adopted by the Government should be adopted?

*A.* I thought it would be better; I was not particularly interested in it; I did not say much about it, but I thought it would be better if the land should be sold with the timber.

*Q.* You were not particularly interested, you did not take much trouble about that; but he did not speak to you about that?

*A.* Yes, we had several conversations.

*Q.* Did you know anything about a resolution being brought in, or to be brought in, upon the timber policy?

*A.* Well, Mr. Kirkland told me there was to be a resolution brought in.

*Q.* Do you recollect whether that was before or after your visit to Montreal?

*A.* Oh, it was before; just after I arrived first he told me about it—at least he said that he was endeavouring to get a resolution brought in the House.

*Q.* By the Opposition, upon the question of the timber policy of the Government?

*A.* Well, he did not say the Opposition then.

*Q.* When was it that he first told you that he would have to try and get the Conservative members to bring in such a measure?

*A.* Oh, I can't tell.

*Q.* Was that before or after you left for Montreal?

*A.* That was before.

*Q.* Did you say that you would see some of the Conservative members for him, or undertake any duty or office in connection with that?

*A.* I did, I think, tell him that I would see some of them.

*Q.* Did you do that?

*A.* No, I did not; Mr. Meredith spoke to me one day about Mr. Kirkland; he asked me what sort of a person he was; he asked me if he was a respectable man, I said I thought he was, and he said something about the timber policy. I said it would be better if we could get it changed; that was all; that was immediately before I went to Montreal.

*Q.* You recollect writing this letter (Exhibit Q.)?

*A.* Yes, I wrote that the morning I left for Montreal; I think it was in February; it was in a hurry.

*Q.* Would you be sure about the date?

*A.* February or March, I am not certain.

*Q.* Where were you when the announcement was made in the House of these transactions?

*A.* I was in Montreal.

*Q.* Then you see it must have been in March if you were only once in Montreal, because it is the 17th March?

*A.* Well, I was away some time before that.

*Q.* It could not have been in February, because that would take you to be five weeks n Montreal?

*A.* Probably it was in the beginning of March.

The CHAIRMAN.—What date does it purport to be?

Mr. BLAKE.—It is Toronto, 12th ——, 1884.

WITNESS.—I wrote that in a hurry; it would be early in March; I can't remember dates very well.

*Q.* At all events you were in Montreal the 17th March?

*A.* Yes.

*Q.* And if you were in Montreal only in the neighborhood of a week, and you were only once there, and you wrote this letter before you went, it must have been the 12th of March?

*A.* Probably it was; I can't remember very well; I thought it was the first February or the latter part of February.

*Q.* This letter is in your handwriting?

*A.* Yes. (Letter read.)

*Q.* You were staying at the Queen's Hotel?

*A.* Yes.

*Q*? Try and tell me who it was that you had seen of the Conservative members of the House?

*A.* I did not see any one; the only man I saw was Mr. Meredith, and he spoke to me first about Mr. Kirkland.

*Q.* You say there, "I have seen two or three Conservative members?"

*A.* Well, I did that to put Mr. Kirkland off.

*Q.* But you put it here very particularly, "I have seen two or three Conservative members since noon?"

*A.* I did not though; I merely wrote that letter to put him off; he was continually bothering me about seeing members.

*Q.* The Mayor of Port Arthur would not tell a downright untruth would he?

*A.* No, sir; I was afraid Mr. Kirkland would probably get into a scrape the way he was talking, and I wrote him that letter to put him off.

*Q.* In what way was he talking that you thought he was endangering himself?

*A.* He was talking about getting members to make speeches.

*Q.* And what more

*A.* Well, nothing more particularly.

*Q.* You are an old enough politician to know that that is no crime; you have spoken yourself?

*A.* Yes; well, I thought he was talking rather rashly, and was going to get members of the Opposition—was going to pay them for making speeches.

*Q.* Was he going to pay any members of the Government for making speeches?

*A.* Members of the Government—the supporters of the Government, I mean; I wrote that letter to put him off.

*Q.* I just call your attention to it; that this is not that the kind of thing that anybody would imagine?

*A.* No, I know that quite well, but still I did not want to be mixed up in the matter anyway.

*Q.* The next line is not the kind of thing that one would imagine unless there was some fact for it?

*A.* No.

*Q.* I would like you to try and discriminate between what was just written to put him off and what conveyed the information that actually was given, and just listen—"I have seen two or three Conservative members since noon?"

*A.* Yes.

*Q.* Can you recollect any one of the Conservative members to whom you spoke except Mr. Meredith?

*A.* No.

*Q.* Do you recollect as a matter of fact whether that day you did write?

*A.* I remember that morning I was leaving I wrote the letter.

*Q.* You did see Mr. Meredith that morning.

*A.* I saw him in the morning, I think it was, of the day before.

*Q.* Then you say—"They all say it was better not to be in too much hurry with the resolution until they get matters well matured?"—that is not the kind of thing that you would imagine?

*A.* Well that is the way I did.

*Q.* Was there not some foundation of fact to that statement?

*A.* No sir; I swear positively there was no foundation.

*Q.* You heard nobody say, it will be better to postpone?

*A.* No, not one.

*Q.* Or to put off?

*A.* No, not one.

*Q.* "I shall be back on Tuesday and see you then; in the meantime if you have anything particular to communicate, write or wire me to Windsor, Montreal?"

*A.* Yes.

*Q.* Then when did you arrive back in Toronto?

*A.* Well, I spent about a week in Montreal and about three days in Ottawa, probably more than that; I returned before the Session closed.

*Q.* The date that is given us is the 25th March that it closed?

*A.* I think a day or two before.

*Q.* So that you would be back here the 23rd or 24th March?

*A.* I think so.

*Q.* Do you recollect the names of any of the persons that Mr. Kirkland spoke to you about as persons that he was going to pay?

*A.* Well, I can't remember very well; I think he spoke of Mr. McKim; he spoke of several members, but I dont remember the names, I did not pay very much attention.

*Q.* You thought from the way it was drifting that there would be trouble, and you wrote that letter?

*A.* Well, I thought it was a wild sort of scheme.

*Q.* Try to think the matter over; can you remember the names of the persons he said he was going to pay?

*A.* Well, he said Mr. Lyon was going to introduce it, I think,—introduce the Bill.

*Q.* Nothing about his protest?

*A.* No, I didn't hear anything about that.

*Q.* Anybody but Mr. Lyon and Mr. McKim?

*A.* I think he said Mr. Graham was going to support it.

*Q.* That is Mr. Peter Graham, the member?

*A.* Yes; he was going to support it.

*Q.* Was Mr. Harcourt's name mentioned as one about to support it?

*A.* No, I don't think so.

*Q.* Mr. Balfour?

*A.* I think so; I can't remember very well.

*Q.* Dr. Dowling?

*A.* Well, I don't remember.

*Q.* You can't be positive about the names, but you think there were those that you have indicated?

*A.* No, I can't be positive of the names, he spoke of so many members that were going to support it, I could not remember the names of any one; I was not acquainted with the gentlemen.

*Q.* That is all that you recollect of that passed between yourself and Mr. Kirkland?

*A.* Yes.

Mr. BLAKE.—This letter that was handed out to the Commissioners. I do not know whether they would desire any action taken upon it, or whether any of the other persons interested would desire.

The CHAIRMAN.—Which is that?

Mr. BLAKE.—The letter that was handed out by the Registrar yesterday. Of course so far as the persons immediately interested are concerned, very little attention, I suppose, should be paid to anonymous communications, but I think the idea of the Commissioners should be known, so that if anybody thinks that anything is to be obtained by it, we do not want that there should be anything but the fullest investigation.

The CHAIRMAN.—It is proper that a letter sent to me should be known to the parties. I do not think that an intimation of that kind ought to be entirely disregarded, even though it is anonymous; if any further information can be obtained about the writer, he ought to be found.

Commissioner SCOTT.—I think they ought to have an opportunity of calling him if they choose.

The CHAIRMAN.—Would any Counsel desire to have that gentleman summoned?

Mr. CASWELL.—Of course we object to the proceedings all through, and we don't ask any witnesses to be called.

The CHAIRMAN.—You said you wanted some persons to be called.

Mr. CASWELL.—That is in case we are forced to. We don't intend to call any witnesses. We have, of course, bowed to the Commission; the Commission have asked us to send in the names of parties to be called; we have done that; I have a protest all ready which will be handed in on Monday morning.

Mr. BLAKE.—In obedience to the demand that has been made, we have subpœnaed all the witnesses that have been called for by Mr. Kirkland that could be reached. I think there is one that has not been, but they have all been called in pursuance of that demand that has been made; we have done the same with Mr. Meek, who also made a demand.

The CHAIRMAN.—Mr. Harcourt has not been examined yet.

Mr. BLAKE.—He has not been examined; he was one of those that was demanded, I believe, by the other side. He did attend here; he was present for one of the days, to be examined. In connection with this, if the other side demand it, or if the Commissioners indicate that it is proper that he should be here, he shall certainly be subpœnaed by the Crown.

The CHAIRMAN.—Well, I do not think we ought entirely to disregard an intimation of that kind, even though it be anonymous; and it would be more satisfactory, and prevent any complaint by any person afterwards, to have him examined.

Mr. BLAKE.—That being the ruling of the Commissioners, he shall be examined.

Mr. MEEK.—I wish to say that my learned friend should not say that witnesses were demanded. The names put in by me were simply suggested as being gentlemen whom I thought would be proper to call. I did not name them as witnesses to be called on my behalf, or anything of that sort. I merely suggested the name, and said so in the list. I did not demand them—demand is not the word to use.

The CHAIRMAN.—Except the members of the Government, I think most of the gentlemen that you have mentioned have been summoned.

Mr. MEEK.—My learned friend will see at the conclusion of my notice that there is no authority for using that word.

Mr. BLAKE.—This is the notice. The material part of it on this question is:—"I would respectfully suggest to the Commission the names of the following witnesses to be examined." That was by Mr. Meek, and in pursuance of that, there were present Mr. Pardee, Mr. Hardy, the members of the Government; Mr. Gillmor, Mr. Sydere, Mr. Notman, Mr. Cartwright, Dr. Baxter was here, Mr. Graham, who has been examined, Mr. Awrey has been examined, Mr. Monk, Mr. Ferris has been examined, Mr. Hart, and Mr. J. G. Scott; then, under the instructions of the Commissioners, Mr. McMahon will be summoned; then Mr. McCraney was one of those that were suggested, and he is in Dakota; I do not know whether his presence is insisted on. I do not ask this for the purpose of binding Mr. Meek at all; but considering his protest, and without any waiving at all about it, whether he insists on it, in order that one may know what steps may be taken in future as to the progress of the Commission.

Mr. MEEK.—I merely say, in answer to that, that I have heard Mr. McCraney's name mentioned in connection with the matter, I think, in the public papers and otherwise, and I put down the names of all those that I could think of who I thought could throw any light upon the matter—of course against the Government, or against the members of the Government, as well as against any of the other parties. The list of the persons who could give evidence against any of the parties accused was given to me by Mr. Johnston, and I wrote him this protest, protesting against the proceedings, but at the same time suggesting those names, as I did not find them in his list, as being parties who might be able to throw some more light upon the whole matter.

The CHAIRMAN.—So you cannot tell what evidence Mr. McCraney could give.

Mr. MEEK.—I could not tell what evidence he could give; I have heard that he knew something about it.

Mr. BLAKE.—Then there was one other, Mr. Meek, that is, the Attorney-General; his name was furnished. I do not know whether that was to be insisted upon also.

Mr. MEEK.—The Attorney-General made his statement in the House at the beginning that he knew all about the matter from the beginning. I thought it was important, perhaps, to himself that he should be able to say whether he had authorized these various steps to be taken by McKim and others—whether he had advised in respect of them, and whether he had instructed them. I thought probably he might wish to deny that statement that had been made by certain parties.

The CHAIRMAN.—I suppose if he desires to be examined in his own behalf he can state so; the question is whether he is a material witness for you.

Mr. BLAKE.—Whether you consider him so, because the Commissioners understand, and my learned friend understands, that anything that passes does not waive his protest or right, or anything of that kind to object, but simply we wish to know whether you insist on the examination of Mr. Mowat before the Commission closes.

Mr. MEEK.—As to the witnesses in general, and my course in connection with them, as I mentioned to your Lordship before, I have submitted the matter entirely to Dr. McMichael, my counsel—and I expected that he would be here this morning—or at all events he was to be notified by Mr. Blake before any further steps would be taken, and he will state to the Court exactly the course we will pursue.

The CHAIRMAN.—You cannot say just now, then?

Mr. MEEK.—No.

Mr. BLAKE.—The only reason I asked that question of the Commissioners was this, that I thought that it was very material that they should determine at as early a period as possible, what was the position which they thought it proper to take in regard to certain of the witnesses. So far as the immediate matter of the bribery is concerned, not using that term except as it had been used in connection to this matter, these approaches, or whatever they may be termed, all the evidence that is proposed to be adduced at present on the part of the Crown has been laid before the Commission. There are certain witnesses whose names have been brought so prominently forward by those that have been examined, that I submit that the Commission should not be closed without further attempts being made at procuring their attendance; one is Mr. John Shields, another is Mr. F. Stimson, another is Mr. John A. Wilkinson, and the other is the Hon. D. L. Macpherson. When I say, attempts being made—I do not for a moment pretend to say that the Hon. Mr. Macpherson did not leave for his health, and had any other reason whatever—I simply say that he does not happen to be here present at the moment, and your Lordships have seen the letter that has been written by him, and have heard of the action of Mr. Shields, Mr. Stimson, and Mr. Wilkinson in this matter. Then there was also a reason why I asked as to Mr. McCraney, because he has been attending to his own business in Dakota, and he will not be back for some time, and it is impossible for us to reach him by any subpœna. The Attorney-General, as has been already said, is in Great Britain upon the public business, which would preclude him being present at this period of the year attending this Commission. Now, I do not know whether my learned friends would proceed with their portion, or the portion of the case that I have indicated as being up to the present closed on the part of the Crown, or whether they would insist upon the examination of these others, before they go into that branch of the case. I have gotten the affidavits all ready to show the exertions that have been made to get Messrs. Stimson, and Wilkinson, and Shields, and also the materiality of their evidence, but of course the matter is very much now in the hands of the Commissioners, and I desire to be ruled, to a large extent, by what they think as to the materiality of the evidence, and as to the course that would be proper to pursue.

The CHAIRMAN.—We think that notice of some kind ought to be given to Mr. Wilkinson and Mr. Stimson of the proceedings, and to other persons that have been mentioned. Of course, they cannot be compelled to give evidence in matters of this kind. The statute expressly gives them the power of sheltering themselves against giving evidence if the giving of evidence would tend in any measure to criminate themselves, but we think they ought to have notice of these proceedings, if they have not already had it; some endeavours ought to be made to give them express notice.

Mr BLAKE.—If the Commissioners would allow me I would just read the affidavit, which shows what we have been doing, and then if the Commission thought well that these persons should be examined, of course I then desire the opportunity of following up that which would be the supplement of the evidence given by the Hon. Mr. Pope and Mr. Carling, by the examination of Mr. Trudeau, Mr. Taché, and Mr. M'Dougall, and whatever other persons there may be in Ottawa who would be able to give us the details which, naturally, Mr. Pope and Mr. Carling did not know in connection with their offices. (Mr. Blake then read affidavit of William Johnston as to the witness Wilkinson). I think the Commissioners will conclude that everything has been done that could be done to endeavour to inform Wilkinson. As to the witness Stimson, I will read an affidavit. (Mr. Blake then reads an affidavit of William Johnston relating to Stimson.)

The CHAIRMAN.—Are there any other witnesses that you desire to examine now?

Mr. BLAKE.—No other witness.

The CHAIRMAN.—You do not desire to examine the members of the Government?

Mr. BLAKE.—No, my lord.

The CHAIRMAN.—I do not know whether Mr. Meek or Mr. Caswell will deign to inform me whether they mean to summon any witnesses?

Mr. BLAKE.—The reason I was asking was, without prejudicing or binding in any way, that it would be convenient for the Commission to know what was to be done, because one of the members of the Government, of course, cannot be back for some time.

The CHAIRMAN.—Mr. Bunting is absent too. He ought to have an opportunity.

Mr. BLAKE.—I have an affidavit as to that. (Reads affidavit of William Johnston).

The CHAIRMAN.—Mr. Wilkinson may be on his road now.

Mr. BLAKE.—He may possibly be on his road now. There is nothing from which we could say that positively; but I should certainly suggest to the Commissioners that I do not think it is reasonable that there should be the examination of one of these persons on one day, and the other ten days or a fortnight afterwards. Of course, so far as Mr. Shields is concerned, I put in an affidavit. (Reads affidavit of William Johnston).

The CHAIRMAN.—I suppose you could proceed to attach Mr. Shields upon that subpœna, if you wished to proceed in that way.

Commissioner SENKLER.—Is there no person who can tell when Mr. Bunting is likely to be here without making any intimation without authority.

The CHAIRMAN.—(After a pause).—Well, as we can get no assistance from any one, it seems, in the matter, we must take our own course.

Mr. BLAKE.—Would your lordship allow me for one moment? I desire also, as I have said, to examine those persons in Ottawa, and it will take some little time to make an enquiry as to that. We must now have Mr. McMahon here, endeavor to have Mr McCraney here, and we desire of course to endeavor to have Messrs. Shields and Wilkinson. I do not know what time it will take to further prosecute the investigation so far as Mr. Stimson is concerned, but all the evidence that we have would be simply of those persons, and perhaps will take two or three days. I should not like to have a meeting without the matter being concluded upon the next meeting of the Commission, and I presume the Attorney-General would be out sometime about the 1st of September.

The CHAIRMAN.—I was going to propose the last week in August, for I have no time after the first week in September.

Mr. BLAKE.—Your lordship sees what a very difficult thing it is to send up into the North-West and the United States, and obtaining the information in Ottawa which we require will take some little time, and what I was very anxious to do was that by our next meeting we should be able to close, and not have any further reason or cause for adjournment.

The CHAIRMAN.—There is one meeting on Friday next.

Mr. BLAKE.—That, of course, will stand over, because Mr. Meredith stated that they would not examine until our case was closed, and it would be unreasonable to summon those persons here again for a formal meeting.

The CHAIRMAN.—Unless there is a necessity for it, I do not think I could propose a postponement beyond the first of September, because the ordinary duties imposed upon me take up all my time.

Mr. BLAKE.—I am aware of that, and that is the reason I do not think we could make an appointment that would be satisfactory before that, but then three or four days would certainly conclude the whole of the evidence that would be given.

After consultation with the other Commisssoners.

The CHAIRMAN.—Monday, first September, we think we can give some days at that time to it; and probably at that time we will be able to fix some further period; at noon on first September.

Mr. BLAKE.—You indicated as to Mr. McMahon; Mr. Harcourt's name was mentioned; I do not know whether the Commission would instruct also as to him.

The CHAIRMAN.—I see his name is in the list that has been given to us; I supposed that he would have been called.

The CHAIRMAN.—The adjournment then will be till noon on the first September, and at that time the prosecution will have to try to complete their case by the examination of their witnesses that have been mentioned, and an opportunity will be given to those other gentlemen to appear and be examined if they choose to be examined.

Mr. CASWELL.—I understood that the Crown had named Mr. Kirkland as a witness, and have served him with a subpœna and brought him here, although he lives in foreign Territory; the Crown served him with a subpœna in Wisconsin and brought him here.

Mr. JOHNSTON.—You named him yourself; we snbpœnaed him for you.

Mr. CASWELL.—He was named by the Crown.

The CHAIRMAN.—I do not think he is in the Crown list at all; he was subpœnaed by you people.

Mr. CASWELL.—It is in the Crown list, as seen in the Commission.

The CHAIRMAN.—However, Mr. Kirkland need not answer unless he pleases.

Mr. CASWELL.—He is here if the Crown wishes to call him; he wishes to go home; he is away from his business.

Mr. BLAKE.—If he desires to be examined we are willing that he should be; I am perfectly willing to take his evidence; he is in the list on behalf of Mr. Kirkland—the first name they give.

The CHAIRMAN.—And on behalf of the Crown he is mentioned also.

Mr. BLAKE.—Certainly, and he is subpœnaed, and if he is here and desires to be examined I am perfectly willing to attend here and take his evidence.

Mr. CASWELL.—He is here in attendance, and if your Lordships will discharge him so that he can go home——

Mr. BLAKE.—You do not suppose he is to be anchored here till the first of September.

Mr. CASWELL.—He does not want to come back here; it is a matter of two thousand miles; if your Lordships will discharge him from the subpœna he could go home.

Mr. BLAKE.—If he desires to give any evidence, I am perfectly willing to be here and attend, and if the Commissioners desire it, I am willing that it should be taken.

Commissioner SCOTT.—You do not tender him on behalf of the Crown?

Mr. BLAKE.—I do not tender him on behalf of the Crown.

Commissioner SCOTT.—Then, as far as his subpœna is concerned, he is relieved from that.

Mr. CASWELL.—He is discharged.

Commissioner SCOTT.—He is relieved from that I suppose. I do not suppose he was properly bound to attend at all.

Mr. BLAKE.—Mr. Kirkland asked that we should subpœna him, himself.

Mr. CASWELL.—Not at all.

Mr. BLAKE.—It is in your list—the first in your list. "On behalf of F. S. Kirkland, F. S. Kirkland." Mr. Kirkland could not rely upon himself, I suppose, and asked that he should be subpœnaed, and I subpœnaed him.

Mr. CASWELL.—He did not ask to be subpœnaed ; his name was furnished among the list of names that were to be called.

Commissioner SCOTT.—Does not that mean to subpœna him ?

Mr. BLAKE—If your Lordship will allow me for a moment. This is a copy that Mr. Caswell has served—a list of witnesses which Mr. Frank S. Kirkland wishes to have called before the Royal Commission, and the first witness is F. S. Kirkland, Neillsville, Wisconsin ; and the only way that we could satisfy that, was by subpœnaing him, and we subpœnaed him.

Commissioner SCOTT.—Undoubtedly.

Mr. CASWELL.—That notice is that the Commission may call him.

Commissioner SCOTT.—He says he wishes to have them called.

Mr. BLAKE.—Well, he has them called.

Mr. CASWELL.—So that now he is here in obedience to that subpœna, and the subpœna was issued by the Crown.

Commissioner SCOTT.—Well, he is discharged from that.

Mr. BLAKE.—He has an opportunity of telling his story if he likes, and he declines.

The CHAIRMAN.—He does not offer himself.

Mr. CASWELL.—Your Lordships have said the Crown has not closed their case, so that I suppose it would not be in order for him to come forward now.

The CHAIRMAN.—Just as you please. You say you do not want to come back again. Mr. Blake is willing to have him examined now.

Mr. BLAKE (To Mr. Caswell).—You cannot get up a grievance upon this any way you put it. Were not even his expenses paid ?

Mr. CASWELL.—That is a matter for the Crown. If he was subpœnaed I suppose his expenses should be paid.

Mr. Blake.—If he does not wish to be subpœnaed he should give the money back.

Mr. Caswell.—I desire formally to put in this protest. (Protest produced.)

Commissioner Scott.—You had better file it the same way as Mr. Meek's was filed.

Mr. Caswell.—It is on larger grounds than his.

The Chairman.—We understand you object to everything.

Mr. Caswell.—Yes, my Lord.

Commission adjourned till Monday, 1st September, at noon

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Monday, Sept. 1st, 1884.

Commission met at noon, pursuant to adjournment.

The Chairman.—Have you any further witnesses to call, Mr. Blake?

Mr. Blake.—Mr. Badgerow.

Sir David Macpherson.—I beg to say to the Commission that I am here, in response to the subpœna that I received from the Commission, prepared to testify; but as I am a member of the Government, it would be a great inconvenience to myself and inconvenience to the public service if I could not be examined at once. Had I not been detained to give evidence here, I should now have been in the North-West Territory in discharge of my public duties. I would ask the Commission either to examine me and discharge me or to name an early hour for my examination.

The Chairman.—I suppose you have no objection to taking Mr. Macpherson's evidence now?

Mr. Blake.—As soon as I have examined four or five other witnesses, my Lord, I will examine him at the earliest possible moment.

The Chairman.—If possible I would ask precedence to be given to suit Mr. Macpherson's convenience.

Mr. Blake.—I shall do so to the very utmost of my powers. I have subpœnaed some telegraph operators, and I desire to examine those in advance, and one other witness; the moment that is done I would examine Mr. Macpherson.

The Chairman.—Will that examination take long?

Mr. Blake.—I would say it would be an examination of not more than a couple of hours.

The Chairman.—Sir David, will that suit you?

Sir David Macpherson.—Whatever the Commission say.

The Chairman.—I am very desirous to suit your convenience, but we have not control of examination of witnesses, and I cannot interfere with the order that the counsel wishes to adopt for the purpose of examining them. If they find it more convenient to examine the others first I cannot interfere, but in the course of two or three hours I suppose they will be ready to examine you.

Mr. BLAKE.—He is here, and if the Commissioners desire to examine, of course I do not say—as I could not say—anything against that; but if your Lordships ask whether, in the course which I will pursue as representing the Crown, I would now examine Sir David Macpherson, I would say that I would not do so. I may just mention in regard to the examination of the telegraph operators, that they were all subpœnaed before from Ottawa, and were to have been here. Mr. Hector Cameron wrote a letter stating that it would be extremely inconvenient to the telegraph authorities to have all their operators here. It was answered that perhaps if that were so, and absolutely necessary, that two might come here to-day, and two to-morrow. I do not know whether the four operators are here or not; I do not know whether I can examine the four to-day, bnt it is no default of the Crown; they have been duly subpœnaed; and it is simply the convenience of other persons coming in contact with the convenience of Sir David Macpherson that may prevent their being here. We simply suggested that if they felt that it was absolutely necessary to the carrying on of the telegraph work, that that might possibly be done; and I have not seen Mr. Hector Cameron, who wrote the letter, to see whether the four will be here or will not.

The CHAIRMAN.—Sir David, in the course of the afternoon we shall be able to take your examination.

GEORGE WASHINGTON BADGEROW, called by Mr. Blake, sworn:

*Q.* You are a member of the Legislature of Ontario, and was so during the last session?

*A.* Yes.

*Q.* Were you present at the sittings of the House?

*A.* Yes.

*Q.* Did you know Mr. J. A. Wilkinson?

*A.* I know him now.

*Q.* Did you know him during the time that the House was sitting?

*A.* I did not, except the last few days of the session of the House I had come to see him; I had seen him before the session closed, but I had not known him previously.

*Q.* Did you know Mr. John Shields.

*A.* Yes.

*Q.* Had you seen him during the sittings of the House?

*A.* Yes.

*Q.* Did you see him alone or with anybody?

*A.* I saw him with one person, and I saw him alone.

*Q.* Which was the occasion of your first seeing him?

*A.* On King street; I was going down from my office after twelve o'clock on the Friday previous to the arrest; he and another gentleman were walking together; I walked past them, and as I did so Mr. Shields broke off with his companion and came with myself; went eastward on King street.

*Q.* Did you know with whom he was walking?

*A.* I don't know.

*Q.* Had you then any conversation with him?

*A.* With John Shields, yes.

*Q.* What was the purport of the conversation?

*A.* I had known Shields for some time, and had often met him; he at once said, "Hold on Badgerow;" I was walking faster than they were, past them, he said, "Hold on, Badgerow, I will walk down with you." He very soon commenced to talk upon political matters, as was his custom on meeting him, and after very little time he went to discuss Mowat's chances of being defeated in the House. I had heard him before say the same things, and I attached very little weight to what he said in that direction, for I thought it was absurd. He said, however, that the Mowat Government were going to be defeated sure. I said I had heard him say that before, I had seen that in papers very often, but instead of the Government becoming weaker it was actually growing stronger from day to day in the House. Well, he said, I did not know that as a matter of fact the Government were going to be defeated—that he knew it was. I then asked him how he made that out; I said, "Suppose all the independent members voted against the Government, even then the Government would have a very fair majority, and I knew that one of the members, one of those who had been elected as an independent supporter of Mr. Mowat, as I said to him, sat near to me, and I knew that he was one of the firmest and most reliable supporters that the Government had, and there could be no defection in that quarter, and that Independents, at all events, I am sure could not vote against the Government." I named the gentleman, and he said, "Yes, I know that that is so, I believe you are correct; but there other members in the House will vote against the Government." I did not attach much weight to what he said; it did not seem to me that there was anything at all in it—more bluff than anything else. I was in something of a hurry; I had had an appointment with a client at my office at one o'clock, and I wished to get my lunch before I went there. As I turned down Leader lane to get my luncheon in a restaurant there, he said, "Hold on," he wished to speak to me further; so I then went with him further and he said, "Depend upon it, Badgerow, the Mowat Government are going to be defeated; I know that it is." He said, "I will not mention any names, any members who are going to vote against the Government who are now supporters of it, but I know, and you may rely upon it, they are going to be defeated, and now, Badgerow, is your chance; a coalition will be formed, and now is your chance to become one of them." The conversation continued for some little time, but that was the substance of what was spoken of. Afterwards he wanted to know why I should object to a coalition. I gave him two or three reasons why I believed that no Reformer-Liberal could coalesce with Mr. Meredith, mentioning two or three important questions that had come up before the country.

*Q.* But nothing further passed between you?

*A.* He merely reiterated that it was going to, and that I was a fool if I did not avail myself of a chance of going into the Government—that there was no difficulty about the question of principle—parties being able to harmonize their differences of political public view on public questions.

*Q.* Had you any further inducements held out to you?

*A.* None other.

*Q.* Had you any further conversation with him?

*A.* Not after that.

*Q.* Did you see him in any person's company at all?

*A.* Not except on this occasion. There was a gentleman walking with him, a tall man, large man, a man about his size.

*Q.* Did you know who he was?

*A.* I never had seen the man before.

*Q.* Do you know who he was now?

*A.* Well, I have heard a man described at the former sitting before the Committee; some evidence was given at the Committee of the House, and I heard a gentleman described there, and I think that I know now who it was, from that description.

*Q.* Would you know him from his likeness?

*A.* I have not seen his likeness

*Q.* Look at these? (Exhibits M. & N.—photographs of Stimson—shown to witness)

*A.* I could not say now that that was the party.

*Q.* You have not since seen him so as to recognize him?

*A.* I had never seen him before, and I have never seen him since to my knowledge; I paid very little attention to him as a stranger.

*Q.* That was the only conversation you had with Mr. Shields upon this matter?

*A.* That is all.

*Q.* You had no conversation with any of the other persons whose names are mentioned in this matter.

*A.* No, I do not know whose names are mentioned in this matter.

*Q.* With Mr. Wilkinson you stated that you had not?

*A.* No.

*Q.* With Mr. Bunting?

*A.* No.

Mr. Blake.—Dr. McMahon, who was subpœnaed, is here now, if it is desired to examine him. At the last meeting it was suggested that he should be subpœnaed owing to the letter that the Commissioner received, and in pursuance of that he has been subpœnaed, and he is here now, and that I understand that he is desirous of going away.

The Chairman.—Let him be called.

James McMahon, sworn.

Mr. Blake.—Would the Commissioners ask Dr. McMahon? I have never seen or heard, and I have no memo. at all as to anything that Dr. McMahon knows about the matter.

mi93- The Chairman.—Well, I thought that it was proper, seeing the notice given to the anonymous letter, that he should be called, on the supposition that you would ask him if he knew anything concerning the matter in the first place.

Mr. Blake.—And the Commissioners instruct me to do so?

The Chairman.—Yes.

Mr. Blake.—*Q.* You are a member of the Legislature of Ontario?

*A.* Yes.

*Q.* And were present during the last sittings?

*A.* Yes.

*Q.* Do you know Mr. C. W. Bunting?

*A.* I know Mr. Bunting slightly, yes.

*Q.* And Mr. J. A. Wilkinson do you know?

*A.* I do not know him—have never seen him that I recollect of, although I believe I did so some years ago, but I do not recollect him.

*Q.* Do you know Mr. Shields?

*A.* I have never seen Mr. Shields to know who he was till this morning; he was here at the time that I came into Court.

*Q.* Do you know Mr. Stimson, or Lynch?

*A.* No sir.

*Q.* As the Commissioners have informed you, a letter was received stating that there was information that you could give upon the matters before them which would be of great importance, and in pursuance of that, and under the instructions of the Commissioners, you have been subpœnaed, and I desire to know whether you are aware of any of the matters connected with this investigation or not?

*A.* I cannot give any special evidence, sir.

*Q.* You say you do not know Mr. Wilkinson or Mr. Stimson; had you ever any conversation with Mr. Bunting upon any matters?

*A.* I did, sir; yes, general conversation.

*Q.* Had you more than one?

*A.* I think I conversed with him twice.

*Q.* Do you remember about when and where the first conversation was?

*A.* Well, I can't recollect; I can't place any date on it, because I placed so little importance on what took place at the time that I did not; it was some time before the arrest of Mr. Kirkland in the House; some little time before that; I think that the first conversation that I had with him was the night that Mr. Gibson was speaking in the House; I was introduced to Mr. Bunting that night.

*Q.* According to Mr. Gibson's statement, if that was the occasion of Mr. Gibson's speaking upon the Address, was it that you refer to?

*A.* Well, he was speaking, I think it was on the Address; it was some time, I don't recollect, before the Address.

*Q.* He guessed that as being the second week of the holding of the Parliament; it began on the 23d January, and it was in the second week that he spoke?

*A.* Well, I thought it was later than that, but I may be mistaken, because I paid very little attention to it.

*Q.* What length of time was there between the two conversations?

*A.* I should think about a month. very probably.

*Q*. Do you recollect where that first conversation took place?

*A*. It took place up at the House of Assembly.

*Q*. Do you recollect where the second took place?

*A*. Yes.

*Q*. Where was that?

*A*. It took place in the *Mail* building.

*Q*. Was any person present at the first conversation that you had with Mr. Bunting?

*A*. Well, I don't know that there was anybody; there were a dozen, for that matter about, at the time we were speaking; I don't know that there was any one paying any particular attention to what we were saying.

*Q*. In what part of the House was it the conversation took place?

*A*. It was at the left hand of the Speaker.

*Q*. Was the House sitting at the time?

*A*. Yes, sir.

*Q*. What was the subject of conversation between you?

*A*. Mr. Bunting was speaking in regard to the Government, and he thought it was a pity that the Government should be carried on with so much party, and that there was so much partyism displayed, and that it would be better that there should be a Coalition Government, and I differed with him; that was about all; just such a conversation as would take place between two men talking about politics holding different opinions; he thought one way and I thought another.

*Q*. Did he suggest any possibilities or probabilities as to the formation of the Coalition?

*A*. He did not at that time.

*Q*. He did at the second conversation, perhaps?

*A*. I think that there was something spoken about it at that time—the second conversation. Perhaps it would be as well for me to say how I met Mr. Bunting the second time: I was coming out of the Rossin House, going down to the House to a Committee meeting.

*Q*. I was going to ask you that in a moment; was there anything said about the probabilities or possibilities of defeating the Mowat Government on the first occasion?

*A*. No sir, I think not.

*Q*. It was simply the benefits of a Coalition Government that were discussed between you?

*A*. Yes.

*Q*. Then had you any interviews with Mr. Bunting between this one that you have spoken of, and what you call the second?

*A*. No.

*Q*. No communications through any person else?

*A*. No sir.

*Q.* Any discussions with any person?

*A.* No sir.

*Q.* On the second occasion you happened to be coming out of the Rossin House?

*A.* Yes, where I board during the session; I was coming out of the Rossin House, going down to a Committee of the House; it was to meet at eleven o'clock, and I think that was about half past nine; Mr. Bunting met me as I was coming out of the House and said "good morning," and asked me where I was going; I said, "Down to a Committee meeting;" he said, "Why it is early, let us take a walk;" so we walked down on to Wellington Street, and along Wellington to Bay, and up to the *Mail* building together.

*Q.* Did you enter the *Mail* building?

*A.* Yes, I was into his office in the *Mail* building.

*Q.* State as accurately as you can what took place on that occasion?

*A.* Well, we talked generally about the Government, and he talked in regard to the probability of Mr. Mowat being defeated; I disagreed with him; that was about all he said; he thought there were certain members of the Legislature that were likely to vote against the Government, and I said I thought they would not; I said that I did not think there was any chance of the Mowat Government being defeated.

*Q.* Were the names mentioned?

*A.* Well, I think there were some names mentioned—yes sir.

*Q.* Who were those names?

*A* He said he was quite satisfied Mr. McKim would vote against the Government; he said he was sure Mr. Balfour would vote against the Government.

*Q.* Anyone else?

*A.* Well, he was not certain about some others; I think Mr. Hart's name was mentioned; Mr. Neelon's name was mentioned.

*Q.* Anyone else?

*A.* Yes, there were some others; I think he said probably Mr. McCraney will vote against the Government; when he came to Mr. McCrancy, I said I did not think there was any chance of his voting against the Government.

*Q.* Mr. Dowling?

*A.* Yes, Mr. Dowling he said he thought in all probability would vote against the Government.

*Q.* So that he had them labelled pretty accurately?

*A.* I don't know whether he was accurate or not.

*Q.* He seemed to think that he was?

*A.* He said "in all probability these men will vote against the Government."

*Q.* Anything about Dr. Cascaden?

*A.* Dr. Cascaden's name was mentioned.

*Q.* How had he labelled him?

*A.* Well, he thought possibly he might vote against the Government. I disagreed with him altogether on that, because I thought that Dr. Cascaden could not complain of his treatment at the hands of the Government. I did not think he would vote against them.

*Q.* Mr. Lyon?

*A.* Mr. Lyon's name was mentioned.

*Q.* Was he a possibility or probability?

*A.* Well, I think it was a probability; that is what he thought. He did not say anything further than he thought these men would vote.

*Q.* And the result of that would be the defeat of the Government?

*A.* He thought the chances were that the Government would be defeated.

*Q.* And then from the defeat of the Government would arise his Coalition?

*A.* Well, I suppose that is what he assumed might, or at least would, in all probability take place.

*Q.* What did he say to you upon it?

*A.* He said he thought that the Coalition ought to be formed.

*Q.* Did he say anything to you as to your vote?

*A.* No, sir.

*Q.* Were you very positively the other way?

*A.* Well, I suppose he understood from the way I spoke that he did not put me down amongst the number.

*Q.* That he could not even put you amongst the possibilities?

*A.* No, sir, he did not assume that.

*Q.* Was your attitude all along that the thing could not be done?

*A.* Yes, I gave it as my opinion that it was impossible.

*Q.* Had you any further conversation with him?

*A.* Not specially in regard to anything political, that I recollect of; I think I did see him once or twice after that, but there was no special conversation more than ordinary conversation; I dare say political conversation was brought up.

*Q.* You think you saw him only a couple of times after that conversation in the *Mail*?

*A.* I think so.

*Q.* Could you say how long before the arrest this took place in the *Mail*?

*A.* I think it would be three weeks; however, I would not be positive in regard to time, because I paid very little attention.

*Q.* You of course was elected as a supporter of the Mowat Government?

*A.* Yes.

*Q.* And continue to be so?

*A.* Yes.

*Q.* There is no question about your vote at all?

*A.* I have generally voted with them; sometimes I vote against them.

*Q*. On any of these other occasions was anything said about Coalition?

*A*. I don't recollect that there was.

*Q*. About the defeat of the Government?

*A*. No, sir.

*Q*. What was the subject of your conversation?

*A*. I think the subject of the conversation would be pretty much the same, only we did not enter into it perhaps at the same length. I supposed that Mr. Bunting had made up his mind that my views and his differed in regard to it, consequently there was no talk very much about it.

*Q*. That you could not coalesce at all, whatever others might do?

*A*. I did not say I couldn't or I wouldn't, but I gave him to understand that I did not think there was a possibility of the Mowat Government being defeated; I did not say I would or I wouldn't, because he did not ask me.

*Q*. Had you any conversation with any others about a coalition, any one at all?

*A*. Oh, I might have general conversation with Conservatives or Reformers in regard to that, such as happens every day.

*Q*. Do you recollect any Conservatives with whom you have had conversation?

*A*. Oh, I have had conversations with Conservatives in my own riding in regard to that.

*Q*. Any members of the House?

*A*. Conservatives; I don't recollect that I had any at all, unless general conversation, which might take place in the smoking-room.

*Q*. You cannot give to the Commissioners any instance in which you have had conversation?

*A*. No sir.

*Q*. Was your conversation with the Reform members as general as that with the Conservatives, or had you any specific?

*A*. Oh, I think it was general; the matter of course I suppose you are referring to, all that took place last session, because I am not prepared to enter into anything that might have taken place before the beginning of the session; that is all, I presume, you have anything to do with.

*Q*. Yes, and that is the only period I shall cover in my question; and during that period of time you are not aware of any specific conversation you had except the one you have indicated with Mr. Bunting?

*A*. No.

*Q*. The conversations were general?

*A*. General.

*Q*. Are you aware of any other matter in connection with this investigation or Commission that is material to it?

*A*. No sir, I am not.

*Q*. You are aware of the accusation that has been brought; you, of course, were a member of the House and heard what passed, and you come here to testify to any matter that is material, and therefore I ask you that general question?

*A.* Well, I suppose it is in reference to the bribing of members of the Legislature.

*Q.* Bribing or approaching?

*A.* Well, there was no one either bribed me or attempted to bribe me in regard to my vote one way or the other.

*Q.* You have given us all that took place one way or the other so far as you are concerned?

*A.* Yes, anything that I know of about that is what took place on the streets, or which might be in the papers.

The Sheriff called upon their subpœnas: Orman Higman, Hilaire St. Jacques, Frank Gallagher, and Edward M. Marshall. No response.

Mr. Blake.—Unless there is some representation made to the Commissioners that that should not be so, I shall have to ask process against these operators for non-attendance. I cannot close without their evidence.

The Chairman.—They may be here in the course of an hour or so.

Mr. Blake.—Certainly; that is the reason that I suggest that there should be delay.

James Bain, called by Mr. Blake, sworn:—

*Q.* You are a clerk in what department of the Government of Canada?

*A.* Department of Railways and Canals.

*Q.* How long have you been clerk in that department?

*A.* Since 1857.

*Q.* You were served with a subpœna *duces tecum* in this matter, and you were asked to produce certain papers; have you produced them?

*A.* I have got copies of them.

*Q.* Have you not the originals?

*A.* No, I have copies.

*Q.* Why did you not produce the originals?

*A.* Because I thought that the copies would be sufficient.

*Q.* You were subpœnaed to produce all directions, requisitions, recommendations, cheques, books, papers or documents relating to the payment of any moneys to John Shields, or to the firm of Manning, McLaren, Macdonald & Co., or to any firm of contractors of which said Shields is a member, by the department of Railways or Canals, in the months of July, 1883, to June, 1884, inclusive, together with any payments to John A. Wilkinson, for any work or employment of any kind in charge of the said department; did you seek for the originals of any such papers?

*A.* Yes.

*Q.* And you did find the originals?

*A.* Yes.

*Q.* Is there kept in your office any document showing the time at which a person is employed in the department?

*A.* Oh yes, there is a record of all people in the department.

*Q.* Is that kept in a book?

*A.* Yes, it is kept, and the payments made to them for their services.

*Q.* Is there any book in which a record is kept of the period of time at which any peason enters into the employment?

*A.* Yes, it is in the record room.

*Q.* Has that any connection with the Department of Railways?

*A.* Yes.

*Q.* Have you got a record from that?

*A.* No, I have not got a record from that.

*Q.* And you have not got that book in which that record is kept?

*A.* No, I have not.

*Q.* Why did you not produce that or get a copy of it?

*A.* That is not in my branch.

*Q.* In whose branch would that be?

*A.* In the Secretary's branch.

*Q.* Is that the Secretary of the Railway Department?

*A.* Railways and Canals.

*Q.* Who is the Secretary?

*A.* Mr. Bradley.

*Q.* What is his Christian name?

*A.* A. P. Bradley.

*Q.* Then you have not got that book here, or any copy of that?

*A.* No, but I think Mr. Trudeau has a copy of the Order-in-Council appointing Mr. Wilkinson.

*Q.* He has got some papers, and you have got others?

*A.* Yes.

*Q.* Would you just kindly get the copy of that Order-in-Council from Mr. Trudeau (Document produced.)

Mr. Blake.—Would the Commissioners allow these copies to be used in place of the originals?

Witness.—This is a certified copy by the Clerk of the Privy Council.

*Q.* Then what is your particular duty?

*A.* The account branch.

*Q.* Can you tell me what payments were made to Mr. Wilkinson under this recommendation which is dated the 24th August, 1882? Have you got a list of all the payments made?

*A.* Yes (list produced.)

The CHAIRMAN.—*Q.* Are these payments to Wilkinson, or to Wood and Wilkinson?

*A.* Wilkinson.

Mr. BLAKE.—These are all the payments made under that recommendation on this matter?

*A.* Yes.

*Q.* You have not separated them: one is $2,211.21, and then from the 3rd August up to the 23rd May, $1,764.90?

*A.* Yes, those are all the payments.

*Q.* Then what further employment was there up to May, 1884?

*A.* There was no further employment, but he was employed in two different works—they are both there together—the Trent and the Murray Canal, I think.

*Q.* I think this order of 7th October, 1882, is appointing him to another—(Order appointing Wilkinson and Wood as valuators on the Trent Valley Canal)—these payments you have mentioned you say represent the payments on both of these works?

*A.* Yes.

*Q.* Then was there any other employment up to May 1884? .

*A.* No, not that I am aware of; he was not paid anything through our office.

*Q.* Was there any other employment of Mr. Wilkinson by the Government that you are aware of during this period?

*A.* No, none that I am aware of.

*Q.* You are sure of that?

*A.* I am sure of it—none that I am aware of.

*Q.* None, that is, through your department?

*A.* Yes.

*Q.* Are you aware, in or out of your department, of any other sums of money being paid to him?

*A.* No, I am not.

*Q.* Can you say that they were not, or is it that you do not know what has been transacted in the other departments?

*A.* I don't know in the other departments.

*Q.* In your own department, from the records, these are the only payments that are recorded?

*A.* Yes.

*Q.* Did you look through to see?

*A.* No, I did not examine, but I believe that there were no others.

*Q.* Who did look through?

*A.* These papers we got from Mr. Trudeau to bring up.

*Q.* Was it Mr. Trudeau that looked through and examined, or was it Mr. Bradley?

*A.* I think Mr. Trudeau had an examination made.

*Q.* Do you know as a matter of fact who it was that made the examination

*A.* Some clerks in the office.

*Q.* You do not know which of the clerks did make it?

*A.* No, I do not.

*Q.* Are you aware as a matter of fact whether or not Mr. Wilkinson is to-day engaged by the Government of the Dominion?

*A.* I am not aware. The last moneys that he received was in May last.

*Q.* Since May last are you aware whether?

*A.* No, I am not.

*Q.* Then, have you got a record showing any payments that were made to John Shields up to May, 1884?

*A.* There were no payments made to John Shields.

*Q.* Any payments made to a firm of which John Shields is said to have been a member?

*A.* Payments have been made to Manning, Macdonald and McLaren. I don't know that Mr. Shields is a partner with them; I have looked at the contract before coming and did not find his name.

*Q.* Did you produce a copy or do you produce a copy of the payment made to Manning, McLaren & Co.?

*A.* From the beginning of the contract?

*Q.* No, from the end of 1883 up to June, 1884?

*A.* Yes, there were just two payments made during that year.

*Q.* Was this $78,451.58?

*A.* The first is $133,000.

*Q.* No, the first of these that you have shown me?

*A* This is the 1st November.

*Q.* Coming down to the 29th February, 1884, was that a payment of $78,541.59: what it says there, award of three arbitrators, less $34,179 placed to credit of Receiver-General?

*A.* Yes, for rolling stock.

*Q.* It does not say that. Is that $78,451 less $34,179, or did they receive as a matter of fact $78,451.59 then?

*A.* No, it is less that amount.

*Q.* So that there was the sum of forty odd thousand dollars then paid directly to them, and the balance was handed over to the credit of the Receiver-General for something in connection with their dealings?

*A.* Yes, with the award.

*Q.* So that on the 29th February, 1884, they received $78,451.59, a portion of that being paid in cash, and the balance of $34,179.17 placed to their credit in the Receiver-General's?

*A.* No, to the credit of the Receiver-General, on account of the Pacific Railway, for the hire of rolling stock.

Q. Then on the 2nd July there was paid $100,000, and on the 14th July $50,000, according to these accounts?

*A.* Yes.

*Q.* Had you anything to do yourself with the actual payment of either of these three sums, $78,000, $100,000 or $50,000?

*A.* The certificate is prepared by me; a certificate is prepared stating that they are entitled to that amount, and it goes direct to the Auditor.

*Q.* Have you got that certificate which you prepared?

*A.* That is in the possession of the Auditor now.

*Q.* Did you ask him for it?

*A.* No, I did not.

*Q.* Who is the Auditor?

*A.* Mr. J. Lorn Macdougall.

*Q.* So that if he is subpœnaed he will have that?

*A.* It is in his possession.

*Q.* Is that the way in which the payments are made through your department; it is your duty to prepare a certificate, is it, stating that parties are entitled to moneys?

*A.* Yes.

*Q.* Then upon what fact is it that you base your certificate?

*A.* Upon the estimate, or the Order-in-Council, or the award.

*Q.* Upon the estimate of the amount of work done and the amount to be paid?

*A.* Yes.

*Q.* And then upon the award or upon the Order-in-Council?

*A.* Well, the Order-in-Council approving of the award.

*Q.* You would not act on the award itself; you must have an Order-in-Council approving of it?

*A.* Yes.

*Q.* Would you pay an account on the Order-in-Council without investigating the amount and so on?

*A.* Oh, no.

*Q.* Sure?

*A.* Yes, positive.

*Q.* When you receive the Order-in-Council do you investigate to see whether the Order-in-Council has been passed or should be passed?

*A.* It is only authority to pay we get by Order-in-Council.

*Q.* Have you got the Order-in-Council that was passed upon this award here?

*A.* I think Mr. Trudeau has it. (Produced.)

*Q.* This Order-in Council then, approved on the 18th February, 1884, explains the item there of the amount deposited to the credit of the Receiver-General; there was to be a per contra on the part of the Government for the hire of rolling stock, etc.?

*A.* Yes.

*Q.* That is, the order authorizing payments up to the 29th February?

*A.* Yes.

*Q.* That was the 18th February, and you say that it was in pursuance of that that the payments of the 29th February were made?

*A.* Yes.

*Q.* Then was there an Order-in-Council for the payment of the $100,000 and the $50,000?

*A.* Yes, there is an Order-in-Council to accept the award—to pay the whole of it.

*Q.* That is another award, I presume?

*A.* Yes, that is another award.

*Q.* Because, according to your statement, that closes up that?

*A.* That closes that award.

*Q.* Then on account of the award of the arbitrators of 5th April, 1884, not that new award, then they were paid $150,000, and that award was for $395,600?

*A.* Yes.

*Q.* Then the balance of that has not yet been paid?

*A.* Not yet been paid.

*Q.* I see that you make up an estimate of all that was paid to these persons, Macdonald, Manning, McLaren & Co., and that is the whole, is it,—$3,014,000?

*A.* Yes.

*Q.* Are any moneys paid except in the way indicated: do you not sometimes pay in your department by accountable warrants?

*A.* No; sometimes people get money on accounts.

*Q.* And then what is the process of getting money on account?

*A.* They make application for the money, and if it is approved of it is sent for payment.

*Q.* What is the process whereby that is done; a person desiring to get something on account presents it to the Department, and does that go before the Council and they pass upon it, or how is that done?

*A.* It depends: on some there is no accountable warrant given in that way; a small sum, for instance travelling expenses, they get $200 or $500 on account.

*Q.*—You say positively that no sums are paid in accountable warrants except for travelling expenses or the like?

*A.* No, not now; when I speak about accountable warrants, the railways running in the lower Provinces get accountable warrants for running expenses.

*Q.* Have you got any other papers in connection with this; you have given me the Order-in-Council, but I should like to see the requisitions and the cheques, if you have got those?

*A.* The cheques are all with the Auditor.

*Q.* The requisitions?

*A.* That is the estimates; I have got one.

*Q.* This is the form in which they are prepared?

*A.* That is the form.

*Q.* That is handed to you, this being a requisition for total of work done, $2,785,708.30?

*A.* Yes.

*Q.* Less ten per cent. drawback retained; they do not seem to have put in any drawback there?

*A.* No, that is the estimate made for all the work done up to that period.

*Q.* Then there was no drawback?

*A.* No, everything was settled up.

*Q.* Was this the final estimate?

*A.* No, it is not the final estimate; it is the final estimate of all that was undisputed.

*Q.* Was there a demand made then equivalent to $2,785,708.30; in this payment there was no deduction made for drawbacks?

*A.* No, it was a final estimate.

*Q.* It was a final estimate as far as there were no disputed items in it, therefore it was not a final estimate, it was a partial estimate?

*A.* It was looked upon as a final estimate, because there were no drawbacks retained in it.

*Q.* It was a fact that you did not retain any drawbacks; that in your mind might be a final estimate, but it was an estimate made and there were no drawbacks retained in this estimate; that was paid, therefore, without any drawback; there was a cheque given to answer that without any drawback?

*A.* Yes.

*Q.* I see that one of these cheques were made payable to McLaren as trustee; do you know anything about that; November 22nd, per P. McLaren, trustee, $133,918?

*A.* Yes sir; previous to that date we had paid the Bank of Montreal, who held a power of attorney for Manning, McDonald & Co., but at this time Mr. McLaren was made trustee; that is the meaning of that.

*Q.* You had paid into the credit of the Montreal Bank for them up to the 22nd November, 1883, but then Mr. McLaren was appointed trustee?

*A.* Trustee at that date.

*Q.* Have you got the paper appointing Mr. McLaren trustee?

*A.* No, I have not.

*Q.* Where do you think that would be?

*A.* Mr. Trudeau may have it; I will just see. (Witness speaks to Mr. Trudeau). Mr. Trudeau has not got it.

*Q.* Do you know as a matter of fact,—and if you do not know, who will be able to tell us,—from that time onwards how the money was paid?

*A.* Oh, all the money since then has been paid to McLaren as trustee.

*Q.* He was entitled to disburse it amongst those interested?

*A.* I don't know what he did with it, but it was paid to him.

*Q.* Did you ever see that Power of Attorney, yourself?

*A.* I think I have; I think it is simply a letter asking the Department to pay the money to him.

*Q.* Was all the money paid to him after that date in November?

*A.* After that date all was paid to him.

*Q.* And he had the disbursing of it and the dealing with it?

*A.* He had all the dealing with it; they could not get the money without his cheque on the bank.

*Q.* Do you know where he resides?

*A.* Perth, I believe.

*Q.* Is he a lumber dealer?

*A.* I believe so; I don't know exactly.

The Chairman.—*Q.* That letter was a letter authorising payment to him, signed by the other partners?

*A.* Signed by the other partners.

Mr. Blake.—*Q.* Do you know Mr. Shields?

*A.* Yes, Mr. John Shields.

*Q.* Did you see him down at Ottawa in the month of February last?

*A.* I have seen him in Ottawa several times, but I don't recollect whether I saw him in that month, whether I saw him in February or not; I can't recollect the circumstances.

*Q.* Just try and think that over?

*A.* I had nothing to do with Mr. Shields in any way; I could not possibly recollect; I had nothing to bring it to my recollection; he had no business to do with me at all.

*Q.* You could not say whether you saw him in February or March in Ottawa?

*A.* I could not; I had no business transaction with him.

*Q.* Do you know Mr. Wilkinson?

*A.* Yes.

*Q.* Do you recollect seeing him there in February or March?

*A.* It would depend whether he got any money or not.

*Q.* Is that the only way an Ottawa man memorizes a thing—whether he paid a sum of money?

*A.* It is only to know whether he was personally there; I have seen him several times at Ottawa, but I could not say whether I saw him in February or not; I could not recollect, because I had no business with him to transact that would bring it to my mind; unless I had something to refer to I could not recollect; he may have been, personally, and got his cheque, personally.

*Q.* That is the groove in which an Ottawa man seems to run; you are the third gentleman who could not tell us unless so and so?

*A.* It is very difficult to recollect; I can't recollect whether he was there in February or March: he may have been there.

TOUSSAINT TRUDEAU, called by Mr. Blake, sworn:

*Q.* You are in the Department of Railways?

*A.* Yes.

*Q.* What is your duty there?

*A.* I am the Deputy Minister.

*Q.* And have been for some years past?

*A.* For some twenty-five years.

*Q.* You know, of course, of the employment of Mr. Wilkinson, as has been given to us by Mr. Bain?

*A.* Yes.

*Q.* Have you brought the book of records showing the period?

*A.* There would be no book of records showing Mr. Wilkinson's appointment; the fact is recorded in the Report of Council, and that is the only record we have.

*Q.* Is it that some employments that you do put in that book of records, that Mr. Bain has spoken of, or how is that, or do you think it is a misapprehension?

*A.* People who are employed continuously, but Mr. Wilkinson was appointed to act a few days only at a time; he was to be employed a few days in one month and a few days in another month; it is not continuous employment.

*Q.* And therefore that book of records is confined to the persons who got permanent employment?

*A.* Yes.

*Q.* And his not being permanent we would not find that in the book; did you examine to see whether that is so or not?

*A.* I know it; I did not examine it, but I know it.

*Q.* Therefore you would get no information from that book?

*A.* No.

*Q.* Are you aware from that period in 1882 up to the present time, 1884, whether

Mr. Wilkinson had any employment other than that of the inspecting of these two matters?

*A.* No other employment by the Department of Railways; I am not aware of any other employment, either.

*Q.* You can speak positively as to the Department of Railways?

*A.* I can.

*Q.* As to the others you cannot?

*A.* No.

*Q.* Then he had no other employment there, either temporarily or permanently, by the Department that you had control of?

*A.* No, sir; no other employment than these.

*Q.* Did he receive to your knowledge any moneys except this $5,000 odd that he received during that period?

*A.* No, sir; he did not receive any other.

*Q.* Then I do not understand from the Order in Council whether it is that he was to be paid $10 a day for every day?

*A.* For every day on duty, every day employed in executing a certain work.

*Q.* Because this Order in Council might be read either way; I did not know whether you read it liberally or illiberally; it is that he is to be appointed a Government valuator of land required for the construction of the Murray Canal, with the remuneration of $10 per diem and travelling and hotel expenses for each day during the time actually engaged.

The Chairman.—Mr. Bain had a number of payments for the time employed.

*Q.* That is the way you pay?

*A.* Yes; those two men worked together, and we have no other means of checking them than asking each other to certify their accounts; each one certifies the accounts of his *confrere.*

*Q.* Mr. Wood certifies Mr. Wilkinson's account, and Mr. Wilkinson certifies Mr. Wood's account?

*A.* Yes.

*Q.* Then do you know whether Mr. Wood was paid as much or more than Mr. Wilkinson?

*A.* I cannot state that from memory.

*Q.* What is your memory upon it?

*A.* I think Mr. Wood has done a little more work.

*Q.* Or at all events received a little more pay?

*A.* Yes.

*Q.* When you say a little more in a department that is dealing with millions, how much do you cover by that—only thousands I suppose?

*A.* Oh no, it might be $100; it is not much

*Q.* It would have been unkind for Mr. Wood to certify for less, when Mr. Wilkinson certified for him; then had you any personal dealings with the firm of Macdonald & Co., in this work, or from the nature of your position would you be brought into contact with the contractors?

*A.* Yes sir, I would.

*Q.* Did you ever see Mr. Shields in regard to this work?

*A.* Mr. John Shields, yes sir.

*Q.* Do you recollect how often you saw him in 1884?

*A.* No sir.

*Q.* You are not going to give me the defect of Ottawa memory, that it must be a payment in order to remember a date?

*A.* There was no object in my recollection.

*Q.* You do recollect the fact of seeing him?

*A.* Yes.

*Q.* Can you tell how often you saw him?

*A.* In the winter, oh I might have seen him ten times may be.

*Q.* In the winter of 1883-4?

*A.* Yes.

*Q.* Do you recollect seeing him in February, 1884?

*A.* I have no note of that at all.

*Q.* Mental or otherwise?

*A.* No.

*Q.* Do you recollect seeing him at the time the Award was under discussion—I show you from the entries that you yourself give me that that was in February, in 1884,—do you recollect seeing him?

*A.* Yes sir, I did see him; there was nothing prominent to make me recollect.

*Q.* Was it in regard to this work and the progress of the work, and so on, that you saw him during these ten times, or was it through the fall?

*A.* Mr. Shields was taking an interest, but he is not a member of the firm; Mr. Alexander Shields is a member of the firm. Mr. John Shields was a member of the firm for a few months between March, 1879, and September, 1879; he then retired.

*Q.* You could not give us that except by looking at the papers, and if you have produced the papers, we will be glad to see them. Have you got any papers which indicated to your department what the interest of Mr. John Shields was?

*A.* Yes, sir; we have all the papers of the department, but I have not got them with me, but I state this as a fact simply.

*Q.* That is your conclusion, but it may be an incorrect conclusion; the papers themselves would speak and show us, and therefore I do not want you to speak upon that, but upon this you can speak. During those ten times, was it upon any other work than this work that Mr. John Shields saw you?

*A.* I cannot say that Mr. John Shields saw me, officially, in this way; I met him casually a great many times.

*Q.* Had he any other business with your department?

*A.* No, sir.

*Q.* During these ten times or so if he saw you, whether casually or officially, it was in regard to this in which you have told us that he was taking an interest?

*A.* Yes.

*Q.* Can you recollect whether, at the time the award was made, and the payments were being made under it in February, 1884, he was at your department, and saw you officially or unofficially?

*A.* I cannot speak from memory of that.

*Q.* What would be the subject of the conversation between you and Mr. Shields, about this work?

*A.* Yes, sir; it would be in connection with the progress of the Commission of the Arbitrators; it would be some general conversation of that kind.

*Q.* The progress of the work, perhaps?

*A.* The progress of the work, may be.

*Q.* The progress of the payment, perhaps?

*A.* Yes, sir.

*Q.* And those were the only matters that you know that Mr. Shields was interested in, in your department, if he were interested in those?

*A.* Yes.

*Q* As to these payments, does that come under your notice as Deputy?

*A.* Yes.

*Q.* In what way does it come within your cognizance?

*A.* Well, I sign the certificate on which the payment is made.

*Q.* You sign the certificate to whom?

*A.* I may just as well describe how payments are made. The Engineer prepares a statement of measurement of work executed, and this is technically called an estimate This estimate is ordered to be paid; it is then sent to the accountant, who audits the arithmetic of a statement, and he prepares a certificate to the department of the Finance, that so much public money is due to a certain firm of contractors for certain work executed, and this is stated on the face of this certificate; this is signed by myself, and is countersigned by the accountant. Then this certificate leaves the Department of Railways and Canals, and is taken to the Auditor-General, Mr. Macdougal; and accompanying this certificate of mine is a copy of the measurement made in detail by the Engineer, so as to satisfy the Auditor that I was right in signing the certificate.

*Q.* That is a copy of the estimate (paper produced)?

*A.* Yes; the Auditor examines all these papers, and he signs on another piece of paper his approval of the payment, and these are then sent to the Department of Finance to Mr. Courtney, and he also examines these things, sees that there is sufficient appropriation, and he writes at the bottom of it there that the payment should be made. It then goes from Mr. Courtney's office to a sub-office in the Finance Department, and there the cheque is prepared to be handed to the Contractor. This cheque is signed by Mr. Courtney, and is also signed by the Auditor, Mr. Macdougal, and it is then presented and given to the Contractor, so that the Contractor touches the cheque in the office of the Department of Finance.

*Q.* Would that be one of the estimates to which you have been referring—(Estimate produced by Mr. Bain was here shown to witness),—is that the way in which it is prepared?

*A.* Yes.

*Q.* The details of the work are not given?

*A.* In that particular one it is not given.

*Q.* Ordinarily, I understood you that it is given; there does not seem to be any particular work done there?

*A.* Well, the details are given, but they do not appear to be given on that one.

*Q.* Do you know what is meant there that is one upon which there was a balance paid of $133,000?

*A.* Yes.

*Q.* Then what do you mean by this—"Advanced drawbacks, $216,189?"

*A.* This is a memo. by the Accountant, showing what previous payments have been made.

*Q.* And therefore that in this and that was the reason, I suppose why this payment was so small, $133,000 only—the drawbacks had been advanced to the extent of 216,189?

*A.* Yes.

The CHAIRMAN.—We propose to adjourn for half an hour, and as those telegraph operators have not appeared, it would be as convenient as any time to examine Sir David Macpherson.

Mr. BLAKE.—Your Lordships may examine him if you please, but I certainly shall not examine him, as I intimated, until the telegraph operators have been here and have been examined.

The CHAIRMAN.—I am exceedingly unwilling to have him detained here, if it is infringing upon his public duties.

Mr. BLAKE—That is for the Commissioners to say.

Sir DAVID MACPHERSON.—I hope the Commissioners will examine me at two o'clock; I place myself in the hands of the Commission; I take it that the inquiry is in their hands.

Mr. BLAKE.—Oh, certainly; I am not interfering in the slightest degree, attempting to — –

The CHAIRMAN.—I suppose that if we desire to have the examination of Sir David conducted. and the telegraph operators are not here at two o'clock, I suppose you will examine him.

Mr. BLAKE.—I shall not examine him: I desire to get the information from the telegraph operators on which I desire to base that examination and some other examinations, and therefore, if it is desired to have the examination, I say that it is the convenience of the telegraph service on the one side and Sir David Macpherson on the other.

The **Chairman.**—If it were the personal convenience of Sir David it would be somewhat different, but he says it is not his personal convenience.

Mr. **Blake.**—I want the Commission to understand that anything reasonable that can be done to convenience him I will do it, but I want the Commission to understand that I have done everything that I can to possess myself of the information that is necessary before I proceed.

The **Chairman.**—Sir David, in that case, may not be examined until process is exhausted against the telegraph company.

Mr. **Blake.**—It may possibly be so, and that is the reason I said to your Lordships that I could not present sufficient fact to the Court until we had given an opportunity for the train—even although it be late—to be in, and to see whether they are going to attend here to-day or not.

The **Chairman.**—Well, Sir David, if the telegraph operators appear at two o'clock their examination will take place, and yours will succeed. If they do not appear, I do not think we shall detain you here waiting their appearance, or waiting the process to compel their appearance.

Mr. **Blake.**—I did not know that Sir David Macpherson would return.

The **Chairman.**—I suppose, if they do not appear, you can attend again?

**Sir David Macpherson.**—I shall place myself in their hands. If they find it necessary to examine me to-day, or if they examine the telegraph operators here to-day, if they give me notice again I shall certainly appear.

Mr. **Blake.**—Upon what date? I did not know that you proposed returning.

**Sir David Macpherson.**—I will endeavor to consult the convenience of the Inquiry.

Mr. **Blake.**—We do not know whether it will be three weeks or ten days.

**Sir David Macpherson.**—You will probably, after my examination, be able to see.

The **Chairman.**—I understand you are going to the North-West?

**Sir David Macpherson.**—I will not go to the North-West provided I am required for this Inquiry, provided it is within two or three days, and I may be detained so long as not to go to the North-West at all; I cannot say.

The **Chairman.**—We will see at two o'clock when the telegraph messengers come.

Commission adjourned at 1.30 till 2 o'clock.

Upon resuming,

**Sir David L. Macpherson.**—I shall not put Mr. Blake to any inconvenience by pressing my examination; if he will be good enough to name a day upon which I may be examined.

The **Chairman.**—If you remain accessible for the next two or three days you need not remain present just now. You will receive notice of your examination, and it will be sometime during this week.

**Sir David L. Macpherson.**—That will be satisfactory.

The CHAIRMAN.—Have you any other witnesses ready?

Mr. BLAKE.—I did not desire to examine further until I got these telegrams?

The CHAIRMAN.—Unless we can get through this week, I do not know what time we will be able to give the Commission. Mr. Senkler and myself could give the whole week to it, but Mr. Scott is doubtful if he can.

Mr. BLAKE.—I may say that the following correspondence passed as to these witnesses from the telegraph company. (Take in Exhibit —.)

The CHAIRMAN.—That was agreed to?

Mr. BLAKE.—Nothing further passed.

The CHAIRMAN.—It is possible they may be in attendance yet.

Mr. BLAKE.—Charles H. Mackintosh was also subpœnaed for to-day. I ask that he should be called on his subpœna.

Chas. H. Mackintosh was accordingly called on his subpœna, but did not answer.

The CHAIRMAN.—If there are no witnesses for examination by half-past two we will adjourn until to-morrow

CHARLES O. ERMATINGER appeared, and said, I received a subpœna and I should like to be called and examined.

The CHAIRMAN.—We shall be happy to hear your evidence.

Mr. BLAKE.—Mr. Ermatinger was one of those who were asked by the other side to be subpœnaed, and he has been subpœnaed accordingly, but it is not our purpose to examine him if the other side do not do so.

Mr. ERMATINGER—I am quite prepared to give any evidence the Commission desire.

The CHAIRMAN.—Your appearance will be noted.

Mr. ERMATINGER.—There is one part of the evidence in which my name has been brought in question, and I would like to make a statement with regard to some incidents Mr. Cascaden mentioned.

The CHAIRMAN.—We will take your statement if you desire to make it.

CHARLES O. ERMATINGER, sworn —I saw a statement in Dr. Cascaden's evidence with regard to an incident which had taken place in the refreshment room of the House, and I merely wish to state what did take place, as he made some little allusion to myself which I think might be misconstrued. I did call him out at the instance of Mr. Monk, the whip of the Opposition, and we went into the refreshment room together. I sent for Mr. Monk to come into the refreshment room, as he had asked me in the previous day. While we sat down—Cascaden, Monk, and myself—when we had been sitting some little time, Bunting looked through the door and came in, apparently looking for some one, and was invited to take a seat—to come with us. We had not been sitting long when the little incident of which Cascaden speaks took place. Cascaden stated that some one suggested that some person that Bunting was connected with or had sent had spoken to him; that Bunting didn't appear to understand; they had some words over it, Cascaden suggesting that Bunting had something to do with the matter, and Bunting appeared to be quite astonished, and they had some words and we parted. Cascaden, in his evidence suggested that I had feigned surprise. He said, as I read it in a newspaper, that I had appeared to feign surprise when Bunting came in the door. If I had that appearance, I can only say it was quite unknown to myself. I was not particularly surprised, and did not expect Bunting. I had not invited him, but I knew him and asked him to sit down. As to why Mr. Monk desired me to ask him out I do not know except what he told me himself, and I suppose that would hardly be evidence.

The CHAIRMAN.—Is that all you desire to say?

The WITNESS.—I think so, further than that I personally know nothing of any approaches made to Cascaden more than what he stated; had no idea of abetting any such approaches, and no knowledge of them in any way, nor have I any knowledge of them at present, except what I have heard of his own evidence. I was no party to anything of the kind, and would not be. I do not know that there is anything further I have to state.

By Mr. BLAKE.—*Q.* Mr. Bunting was so much down there that you were not surprised to see him?

*A.* No, he was down at the House a good deal during the session.

At 2.30 p.m. the Commission adjourned till Tuesday, at 10 o'clock.

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TUESDAY, September 2nd.

The Commission met at 10 a.m.

ALEXANDER MCKINNON BURGESS, called by Mr. Blake, and sworn.

*Q.* You are Deputy Minister of the Interior?

*A.* Yes.

*Q*, How long have you been there?

*A.* A year from the first of July last.

*Q.* You have been in the North-West?

*A.* Yes.

*Q.* Were you there on the business of the department?

*A.* Yes.

*Q.* Have you got a list of the officers employed by the Dominion in the North-West—in the department of the Interior?

*A.* I have not a list, but I know who they are.

*Q.* Is there such a record kept?

*A.* Yes.

*Q.* But you haven't brought it with you?

*A.* No.

*Q.* How many are employed?

*A.* Well, unless I were to make a list of them I could not say.

*Q.* I thought you said you could tell?

*A.* I could tell the names of all of them.

*Q.* And by adding them together you could get the number?

*A.* Yes.

*Q.* Well, adding them together, how many do you find there are?

*A.* In round figures there are sixty or seventy, exclusive of surveyors?

*Q.* During your journey in the North-West did you see John A. Wilkinson?

*A.* I did.

*Q.* Where did you see him?

*A.* I happened to be a passenger by the same train with Mr. Wilkinson from Toronto to Owen Sound.

*Q.* What date was that?

*A.* I could not say; about the 6th or 7th of June.

*Q.* What distance did you go with him?

*A.* I was also in the same boat from Owen Sound to Port Arthur.

*Q.* Any further?

*A.* I believe he went on the same train, although I do not know of my own knowledge, except that I saw Wilkinson on my arrival.

*Q.* Did you see him subsequently?

*A.* Yes, at Calgary.

*Q.* How long after that?

*A.* About a fortnight.

*Q.* About the middle of June or thereabout?

*A.* Yes.

*Q.* Did you see him subsequently to that?

*A.* No; well yes, I saw him subsequently on the platform of the railway station at Winnipeg; I was in a railway carriage and he was on the platform.

*Q.* At a subsequent date?

*A.* Yes, about the first week or the first fortnight of July.

*Q.* Did you see him subsequently to that?

*A.* No.

*Q.* Do you know where he is?

*A.* I have no idea.

*Q.* Do you know what his occupation is—what business he was upon?

*A.* I do not.

*Q.* He did not tell you?

*A.* No.

*Q.* Are you aware, as a matter of fact, whether he is or is not engaged in any way in the department of which you are deputy?

*A.* I think I may say I am quite sure he is not.

*Q.* Why are you doubtful?

*A.* I am not.

*Q.* You said, "I think?"

*A.* There is no doubt in my mind.

*Q.* He has not any Registrarship up there?

*A.* No.

*Q.* Was he at any time employed in your department?

*A.* No.

*Q.* Any talk of his being employed?

*A.* Yes, there was at one time.

*Q.* With whom was he to be employed?

*A.* There was a talk of his being employed.

*Q.* With whom. In assisting whom in work in the North West?

*A.* Not in assisting anybody.

*Q.* What branch of the department?

*A.* In one of the Registrarships in one of the Districts.

*Q.* Which one?

*A.* Edmonton.

*Q.* About when was it that it was talked about?

*A.* A little more than a year ago.

*Q.* Has that office been filled?

*A.* No.

*Q.* What position has H. H. Smith, of Peterboro', in your Department?

*A.* Inspector of Dominion Lands Agencies and member of the Land Board.

*Q.* Was there any talk of his assisting Mr. Smith in his work up there?

*A.* No.

*Q.* What is the office of Mr. Rufus Stephenson?

*A.* Inspector of Colonization Companies.

*Q.* Was there any talk of his assisting him?

*A.* No.

*Q.* The only one you are aware of would be the one you have mentioned, the Registrarship at Edmonton

*A* Yes.

*Q.* In regard to the appointment of persons in the Department in which you are Deputy, what is generally the mode of their appointment?

*A.* They are generally appointed by Order-in-Council the same as others.

*Q.* Where does that generally initiate?

*A.* I generally draft the memorandum to Council.

*Q.* With whom is the arrangement of the appointment made? Did you for instance arrange the appointment of these two gentlemen you have mentioned, Mr. Stephenson and Mr. Smith: or, if not. do you know with whom the arrangement was made?

*A.* Well, I do not know exactly what you mean by asking how it was arranged. The Minister's instructions were given to me to have the necessary memorandum for Council prepared.

*Q.* So it didn't initiate with you, but with somebody else, and instructions were given you to carry it out?

*A.* Yes.

*Q.* So there might have been some discussion about the appointment of Wilkinson to office which you as Deputy would not be aware of?

*A.* There might be, but I do not think it probable—I ought to say that; the usual thing for the Minister to do is to discuss with me—in fact, I usually suggest to him the necessity for the appointment of certain officers.

*Q.* Certainly; but as to the names of the persons, that is a different matter?

*A.* Yes.

*Q.* You suggest the necessity for the office, but it is from some person else that the name of the person to fill it comes and not from you?

*A.* Yes.

*Q.* You cannot tell me now where Wilkinson is?

*A.* No.

*Q.* How long have you returned from the North-West?

*A.* I arrived in Ottawa the second week in July; I do not remember the day.

*Q.* Did you see Mr. Stimson up there?

*A.* Yes.

*Q.* Where?

*A.* At Calgary.

*Q.* Did he go up with you at the same time?

*A.* No, he was at Calgary while I was there.

*Q.* Had he preceded you?

*A.* His Stock Range is in that neighbourhood.

*Q.* Yes; but had he preceded you in going to the North-West on this occasion; had he gone before the 6th of June?

*A.* He must have been there before me.

*Q.* What distance from Calgary is his range?

*A.* About forty miles.

*Q.* In which direction?

*A.* In a southerly direction.

*Q.* Is Calgary the nearest post office or place to it?

*A.* Well, not the nearest post office, but the nearest place of any consequence.

*Q.* Was he engaged in his business as a rancher;

*A.* Yes.

*Q.* Did you see him subsequently?

*A.* Yes.

*Q.* Did you see him in June?

*A.* Yes

*Q* You do not know now where he is?

*A.* No.

Hon ALEXANDER MORRIS.—I request the opportunity, in the first instance, of suggesting to the consideration of the Commission the putting of a question which I think might tend to the promotion of justice in this case. I ask whether I may be permitted to suggest such a question. I am the representative of East Toronto in the Legislative Assembly.

The CHAIRMAN.—What is the question?

Mr. MORRIS.—It has been stated by the witness that there had been talk of the appointment of Mr. Wilkinson to a registrarship in the North-West; I desire to ask him when he first heard of the probability of his appointment to that office and from whom he heard it?

*A.* It was more than a year ago; it must have been, I think, about the end of May or the beginning of June: the matter was of so little consequence that I cannot be sure of the date, but I think that was it. That was May or June, 1883.

*Q.* From whom?

*A.* From Sir John Macdonald.

*Q.* He was then Minister of the Interior?

*A.* Yes.

*Q.* And what did he state at that time?

*A.* He stated to me, or at least he requested me to remind Sir David Macpherson on his return from England that he was desirous that Mr. Wilkinson should be appointed to a registrarship in the North-West.

JOHN LORN MACDOUGALL, called by Mr. Blake, and sworn.

*Q.* What is your position?

*A.* I am Auditor-General for the Dominion!

*Q.* And what is your office in regard to the payment out of moneys?

*A.* There are two ways in which payments are made. One is by a direct cheque on the Receiver-General, and the other is under letters of credit; when a cheque of the Receiver-General is given, the Deputy-Minister of Finance signs the cheque and I countersign it, so that the payment is correct payment--that it is due to the person in whose favour the cheque was made. But in the other case a credit is given either to the Department which is to expend the money or to an individual who may be at a distance from Ottawa or may have to spend for the Government, and after the cheques are given on the credits, usually at the end of each month, and always so in the case of a department, a statement of the cheques drawn against the credits is sent to me, as in the former case, and the cheque of the Receiver-General is made out exactly as if a direct payment was made in the first instance, and I countersign it.

*Q.* Under the letter of credit system the payments are made by what means?

*A.* A cheque is drawn by the deputy of the department and countersigned by the accountant usually; at any rate by some person in the department.

*Q.* So payments could be made to a large extent without the signature of the Auditor-General under the letter of credit system?

*A.* Yes, and afterwards a statement comes in, and what is done in the first instance to repay the bank is to add up the cheques and repay the bank, so that no detention may take place in restoring the money to the bank that has been advanced, and subsequently a statement of all the vouchers, with the vouchers, is sent to me; I examine the vouchers, with the statement, and see that the payments were justified.

*Q.* In this contract—the Manning-Macdonald contract—have you got the cheques which were given?

*A.* No, the cheques were the property of the Finance Department; they were left for Mr. Courtney, who I understood was subpœnaed, as they were more directly his property.

*Q.* That is the way you had in working it out, the cheques going back to the Finance Department?

*A.* They are sent from the bank to the Finance Department and retained or sent to me; under a recent regulation of the Treasury Board it is my duty to examine the bank account; that is only a recent regulation, and the cheques are sent in from the Finance Department to me just as I ask to have them sent to me.

*Q.* Therefore you haven't got the cheques?

*A.* No.

*Q.* Have you anything in connection with these payments?

*A.* Yes. I have the requisitions from the Department of Railways and Canals and the engineer's estimate sent me.

*Q.* Will you show me the requisitions, please?

*A.* I suppose these will be returned.

*Q.* Yes. These are the originals, are they

*A.* Yes. (*Papers produced.*)

*Q.* The first is an Order-in-Council which we had yesterday from Mr. Trudeau; this one is the certificate of the department?

*A.* Yes.

*Q.* Then the only office of the Auditor-General would be to see that so far as the additions are concerned they are right, or is there anything further?

*A.* I am obliged to see that the certificate of the proper engineer is on it when they are paid under engineers' estimates; in one case there was an award, and of course that was made authority in that case.

*Q.* And these cheques will be with Mr. Courtney?

*A.* Yes, though they represent exactly those sums.

*Q.* Is that all the information you can give to us?

*A.* Yes.

*Q.* They were payable as here to Peter MacLaren, trustee?

*A.* Yes.

*Q.* He was one of the members of the firm?

*A.* Yes.

By the CHAIRMAN.—*Q.* Were these cheques paid in 1883?

*A.* Yes. I think on the 22nd November there was a payment of $134,000.

By Mr. BLAKE.—*Q.* Do you recollect anything about that payment in November 1883; they could not give us any of the particulars of the materials?

*A.* The materials would be there.

*Q.* That (indicating) would be the particulars?

*A.* Yes.

*Q.* Well, then, how do you explain "ten per cent. drawback retained"?

*A.* Well, under the contracts there is a certain proportion, usually ten per cent., that may be retained by the Government; but as the work progresses, the ten per cent., or a portion of it, is handed over.

*Q.* But in this case they didn't?

*A.* Yes; I think that was a final estimate.

*Q.* There were some matters left open to be settled by the award?

*A.* Yes; of course they owed something for the use of rolling stock, and then they had a counter claim that more than covered the rolling stock by the admission of the department.

*Q.* So at all events it was thought safe to pay that after the deduction of the ten per cent.?

*A.* Yes, as you will see that $34,000 turned out to be the amount due by the contractors to the Government, and I think the decision of the Arbitrators was that $78,000 was due to them, and the $34,000 was deducted.

*Q.* So your explanation is that it was considered safe to pay it after the deduction?

*A.* Yes.

*Q.* Do you know of any payments made to that firm, or to Mr. Shields, excepting those indicated?

*A.* I know of nothing except the return of $35,000 of money deposited by Shields and Macdonald in the Indian Department.

*Q.* When was that?

*A.* I think I have the papers here. The money was deposited on the 27th of August, and returned on the 28th of December.

*Q.* What was the occasion of the deposit of the moneys?

*A.* Well, the return is made to the Federal Bank, with the explanation there that it was deposited as a guarantee for the working of certain timber limits.

*Q.* "$35,000 refund of amount deposited as security for the proper working of timber limit, Lake of the Woods District?"

*A.* Yes. There is a deposit made on the 27th of August, and this refund of money was done under a letter of credit cheque.

*Q.* That was from Shields and Macdonald; deposited on the 27th of August and paid the 28th of December, 1883, $35,000?

*A.* Yes.

*Q.* Were you aware of any further payments?

*A.* Nothing else.

*Q.* Are you aware of any payments being made to Mr. Wilkinson other than those indicated by Mr. Trudeau and Mr. Bain?

*A.* I have no recollection except payments which were made to him as valuator on the Murray and Trent canals. I do recollect of a small payment in the Department of Agriculture for expenses, but that was not in 1883-4, I think, and I cannot now tell the amount.

*Q.* It was an earlier payment than in 1883-4?

*A.* Yes, I have no recollection of any others. Of course payments might be made without my recollecting them now.

Mr. Blake.—Since an adjournment attempts were made to procure the attendance of Mr. Wilkinson and Mr. Stimson, and I desire to present to the Commission what in the meantime had been done. (Affidavits of Mr. William Johnston, Exhibit , and of Mr. Isaac Campbell, Exhibit , were here read, also Exhibits ). So that what could be done was done in the way of notifying these two gentlemen, but they are not here. Now, it is for the Commissioners to say whether they desire the matter to remain longer open in order that further attempts may be made to procure the attendance of these gentlemen or not. The Commissioners are also aware that yesterday an order was made peremptorily for the attendance of the telegraph operators, the Solicitor desiring them to attend to-morrow, but your Lordships thinking it was unreasonable to ask them to attend earlier than Thursday next, they are still to be examined. The branch of the case as to which I chiefly desire to examine them, and I deem it my duty to mention that in order that the Commissioners may consider it in connection with the other, is not so much to bring the matter home to the five who are charged especially in the Commission as to carry it further. Now, I do not know whether the Commissioners consider that under the Commission they would have the right or the power to go beyond the matter of investigating what is done by these five persons. If the Commissioners come to the conclusion that that is so, I do not desire to extend or delay further the Commission for the purpose of examining these operators, and the further evidence upon that—it can scarcely be called—branch of the case, but it may be termed that branch of the matter before the Commission. If the Commissioners consider it is not absolutely necessary to go on further attempting to procure the attendance of Wilkinson and Stimson, and I cannot say that there is any more probability to-day of our having them here than when the Commission opened; I cannot hold out any hope to the Commission on that point; I say if the Commissioners consider that the Commission should be closed without their examination, it is for them to decide whether they would cause an adjournment until next Thursday for the purpose of examining the telegraph operators, and for the taking of further evidence.

The CHAIRMAN.—Are there no other witnesses to examine?

Mr. BLAKE.—Not at present.

The CHAIRMAN.—I see you have given notice of several others, Mr. Courtney, Mr Page, and others.

Mr. BLAKE.—The Commissioners are aware that a witness stated that Mr. Page was engaged in Cornwall upon an investigation, and that it would be impossible for him to be here. So far as Mr. Courtney is concerned, Mr. Macdougall and Mr. Bain have given us the information he would give, the only thing being the cheques.

Mr. MEREDITH.—I submit that it would be very undesirable, and not at all in the interest of the public, that this inquiry should stop where it is, as has been suggested by the learned counsel. The terms of the statement made by Mr. Mowat, the Premier, on the floor of the House upon which the matter was referred to the Committee on Privileges and Elections—upon which the motion for that purpose was made, indicated that charges were made affecting persons other than those specifically named in the statement of Mr. Mowat. Now these charges have been made in the public press and elsewhere, and it seems to me it would not be fair to those who are supposed to be incriminated, or satisfactory to the public if the investigation does not proceed as far as it is possible for the gentlemen prosecuting it to push it. Now, speaking for myself, I desire that the investigation shall proceed as far as these gentlemen think it possibly can proceed, and I hope the Commissioners will allow every latitude for the purpose of making the fullest and most searching inquiry into the matter in every direction.

Hon. ALEXANDER MORRIS.—If I would not be considered obtrusive in the capacity which I ventured to assume a few minutes ago, I would like to make a suggestion; and in doing so I trust the Commission will understand the respect I have for the judicial office which they fill, and the fact that the mind of the House—of the whole House on both sides—was that the way to obtain a thorough, searching, full, impartial investigation into the very grave matters affecting the honour of the Assembly and of our country which are now before this tribunal was to place it in the hands of the judges of the land. I simply rise to make a suggestion, and one of very considerable importance. There are two references to the Commissioners, as will be found on referring to the Commission. The Commission to the Commissioners referred not only the investigation of the charges set forth in the statement made by the Hon. Mr. Mowat on the floor of the House, but "all matters and things which in the judgment of the Commissioners relate thereto or affect the same, such Commission to be directed to three Commissioners, who shall be Judges." That was the action taken, and the Commission are thereby clothed with power to deal with all matters connected with or related to the special charges. Now, in the statement of the Attorney-General, there is this statement as to a circumstance which is a matter of very grave importance. The statement is that "divers members of this House so approached being indignant at the criminal conduct proposed to them, have deemed it to be the fitting course on their part and a duty to their constituents and the public, acting herein with the advice and approval of the members of the Government to seem for a time to entertain such approaches in order to the detection, exposure and punishment of the persons guilty of making such corrupt attempts." There is the direct statement that the members of the Government had a knowledge of these intrigues which were going on, and that the men connected with it were so dealing with the direct knowledge and sanction of the Government, and with the advice of the Government. And in the evidence taken before the Committee on Privileges and Elections, it was sworn that one of the witnesses, McKim, was acting under the advice of three members of the Government; and Mr. Fraser made a declaration on his honour as a member of the Legislature that he assumed the entire responsibility for the action of these men. Now, my Lord, and your Honours, under the Act which enables the Assembly to deal with this question—and I rejoice that there is such an Act, because if anything is to be sought it is to maintain the escutcheon of the Assembly—in the Act dealing with this question there are two offences to be dealt with. The offering a bribe is made punishable, and in the second place the completion of the bribe is also an offence to be dealt with by the House. Now, in the first place, it is of evidence before the Assembly's Committee that offers to bribe came within the knowledge of the members of the Government. I say that at that moment they should have stepped in to punish that first offence—they should have checked it in the bud.

The Chairman.—There seems to be no necessity for taking any evidence to show that these matters were under the knowledge of the Government, for as you say, Mr. Fraser acknowledges that. The question of the propriety of that course is rather a question of ethics than one for inquiry here.

Mr. Morris.—I submit to the Commission that the matter goes further. I say that the facts connected with it have not been brought out. It has not been ascertained at what particular time the members of the Government received these communications.

The Chairman.—As we stated at the opening, we are perfectly willing to inquire into any charges formulated against the Government or any member of the Government, but no such charges have yet been presented.

Mr. Morris.—I contend that these are referred to by the terms of the Commission.

The Chairman.—Supposing it is so, we do not assume the responsibility of summoning witnesses. We give notice that we will receive evidence, but it is for the parties interested in the inquiry to bring forward the evidence.

Mr. Morris.—There have been two very important Commissions in this country appointed by the Dominion Parliament in connection with matters of this kind, but of very much graver importance—matters of deep importance to the whole country, and in these the Commissioners themselves had witnesses summoned, and they received the assistance of members of Parliament. I would like, with all deference to the Court, to point out that the Assembly by their action grafted upon the Act with regard to public inquiries, the right to this Commission to deal with the matters now before them, but they went further. They provide that the testimony taken here should have the same effect as if it had been taken at the bar of the House of Assembly. At the bar of the House of Assembly when a case is brought before it, if the Assembly directs that Counsel are permitted to appear, they appear. Questions are asked by the members through the Speaker, in order to elicit the full evidence, and every member has a right to put any question he pleases through the Speaker to the persons at the bar. This Commission is substantially for that purpose, and the evidence taken before it has the same effect as evidence so taken. I defer to the opinion of the Commission, but I respectfully submit that the Commissioners have larger duties than they seem to think devolving upon them, and with all respect I would like to refer to the very terms of the Act which was the creation of the Assembly. Now, that Act, which is to be found in the Revised Statutes, is to this effect: "Whenever the Lieutenant-Governor in Council deems it expedient, the Lieutenant-Governor may, etc., and the Commission may require them to give evidence on oath, etc., and to produce such documents and things as the said Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine." It was with that Act before us with the full belief that the Judges would deal with this matter in their own hands that they might be assisted by Counsel that the whole Assembly unanimously desired that this matter should be sifted to the bottom. They did not look to Counsel representing interests which were not interests of the whole House. I do not make the slightest suggestion with regard to these charges of criminality, but I appear on behalf of the Legislative Assembly, as one of its members, to whom your report will eventually go, and I submit with the greatest deference that the Commission have responsibilities in this matter, and have the right to decide how far the inquiry shall go and when it shall stop. There are gentlemen who are here at the greatest inconvenience. I look round the room and I see a number who were subpœnaed to appear before the Court, and I trust the Commission will not adopt the suggestion to terminate the matter here and now, but will proceed to summon honourable gentlemen who, at great sacrifice to the public interest, had been waiting here and who ask to be heard. I hope the Commissioners will allow these and other gentlemen to come before them and state what they know about this matter, and will not allow it to terminate at the suggestion of the gentleman who is acting on behalf of the Government, but not on behalf of the Legislature.

Sir DAVID L. MACPHERSON.—Did I understand Mr. Blake to suggest that the evidence should be closed without examining me? Surely, he did not make such a preposal. It will be remembered by the Commissioners that Mr. Blake asked for an adjournment of the Commission, mainly because of my absence from the country. He did not go so far as some of his friends and the press of his party, in saying that I had absented myself for the purpose of avoiding a subpœna, but he said my evidence was very important and he could not proceed with the inquiry without it. Now, I have returned to the country, I was subpœnaed and I attended, and instead of examining me yesterday he said that before doing so he must examine some telegraph operators, to fish for some material on which to examine me. There was a letter of mine which Mr. Blake was anxious to have identified. He examined my colleagues as to my handwriting, and he put my book-keeper into the box and made inquiries of him. Am I not to be examined, to say whether or not it is my handwriting? I have no doubt it is, but at any rate it is in the possession of the Commission. Mr. Blake's friends and the press, and I probably would not be going too far if I should say the Premier of the Province, put, or attempted to put, a distorted interpretation upon that letter. No one acquainted with the English language, and acquainted with the customs of public life, could have any doubt about the meaning of that letter, that it is an announcement from me as Minister of the Interior to Mr. Wilkinson that I would recommend him for the office of Registrar at Edmonton. That was the object of that letter and that alone, and no one can be in any doubt about it. Am I not to be examined touching that? It is said, and it was charged that through that letter from me, the Dominion Government was connected with this matter. Am I not to have the opportunity of clearing myself and the Dominion Government? It would be an unheard of proceeding to close the evidence without examining me? The Premier of the Province, on the first occasion on which he brought the matter before the Legislative Assembly, referred to me in these words: "I will mention the names of the conspirators as far as we know, and as far as we have evidence to prove from the actual facts which have come into our possession; and whilst we have only just received real evidence to prove that money has been paid, in addition to this, promises of still larger sums have been made to some members for the same corrupt purpose. Offices have been promised likewise, and the conspirators declare that in offering the offices for this purpose in connection with the Dominion Government, they have the sanction and the authority of the Minister of the Interior to do so." Am I not to have the opportunity of declaring on oath, as I declare now in your presence, that this is an unqualified falsehood? Then again, when the Premier of the Province was making a formal statement to the House, and proposing that the inquiry should be referred to a Committee of the House of Assembly, he said: "That to secure the same corrupt object, the said Wilkinson and Bunting further offered and undertook that the said McKim should be appointed Registrar at Edmonton in the North-West, with a salary of $1,000 a year, and both the said Wilkinson and the said Bunting assured the said McKim that the Dominion Minister of the Interior had pledged to them his word that their said promise of the said office would be carried out, and the said Bunting on his part pledged his word to the same effect." That is another unqualified untruth, and I desire to have the opportunity of stating that on oath. He further states "that the said Wilkinson undertook that the said Balfour should be appointed by the Dominion Government to the Registrarship at Regina in the North-West." I can only say that if such an appointment had been applied for on behalf of Mr. Balfour or for his benefit, the application would naturally have come to me as Minister of the Interior. No such application was made. There is not a tittle of foundation in truth for the statement, and your Lordships will pardon me if under the provocation which I have received and the injustice which would now be extended to me by the representations of these parties, while I declare this statement to be an unqualified falsehood; and I also say that I believe that the Premier of the Province, the Attorney-General, knew at the time he made them that they were unqualified falsehoods.

Mr. BLAKE.—The Commissioners will allow me to say a word. As to the scope of the Commission, Mr. Morris is mistaken in saying that in the Commission there is anything whatever said about members of the Opposition or leaders of the Opposition having to do with the matter at all.

Mr. MORRIS.—I did not make such a statement.

Mr. BLAKE.—What statement did you make in connection with it?

Mr. MORRIS.—I spoke as to the reference to the members of the Dominion Government. I also took the position that the scope of the Commission covers not only the formal statement of the Attorney-General, but all matters connected with or in any wise relating to that statement.

Mr. BLAKE.—Very well. The Commission simply refers to Messrs. Wilkinson, Meek, Kirkland, Bunting, and no other persons. That is the Commission under which we are acting, and it simply says that these persons have done something, and then it proceeds to say that the Commissioners are to inquire into and investigate the charges of bribery and conspiracy aforesaid, and any attempts to corrupt members of the said Assembly, and all matters and things which in their judgment relate thereto and affect the same. Now, the first day the Commission sat, instead of desiring to close out anything that might be taken under the Commission, the Commissioners then said that if there were any charges other than those formulated by the Attorney-General and mentioned in the Commission, they were perfectly willing to hear them and to hear evidence upon them, and they asked that they should be formulated in order that they might enter into them. So there can be no misapprehension as to the fact that from that time to the present the Commission were prepared to hear any charge that might fairly be brought under this Commission, instead of their having the slightest desire to exclude anything of the kind. I also further call the attention of the Commissioners to the fact that Mr. Meek being represented, and Mr. Kirkland being represented, instead of subpœnaing simply some persons who might present a portion of the matter before the Commissioners, there were subpœnaed all the leading members of the Opposition, every person that was suggested or chose to attend here, and at the expense of the Commission they were in attendance. I did put into the box some seven or eight of the leading members of the Opposition, and I asked the Commissioners and those who were present whether they desired to have any further examination of any persons as to these points. The Commissioners asked whether they desired a further examination, and after hearing the seven or eight who were put in the box, and there being no response, I discontinued examining any more of these members, the Commissioners not deeming that it was essential to do so, and no person asking that they should be examined.

Mr. MEREDITH.—My learned friend must remember that there was an adjournment for the express purpose of allowing four to be examined, and they have not been examined at all.

Mr. BLAKE.—If they desired to be present.

Mr. MEREDITH.—Not at all.

Mr. BLAKE.—Of these four, only Mr. Ermatinger was in attendance here yesterday.

Mr. MEREDITH.—I hope my learned friend does not intend to be unfair; he should know, and Mr. Johnston does know that it was specially arranged that I should be here to-day.

Mr. BLAKE.—I am not seeking to be unfair, but what I state is, and it is the truth, that the only person present yesterday of these gentlemen was Mr. Ermatinger. If these other gentlemen desire to present themselves for examination, no doubt the Commission will hear them as they did Mr. Ermatinger; I am not aware that there is any attempt to close the Commission; there is certainly none on my part, even if it should be desired to examine every person in this room; I simply state that as I had examined seven or eight members of the Opposition, I did not feel that there was any necessity of going further into any of these matters; and I suggested as to whether, under the Commission, without further charges being formulated, the Commissioners felt they had the power after their ruling on the first day of going into these other matters. I cannot control, nor do I desire to control the inquiry, and I am sure I have exhibited an anxiety as far as I could to go to the bottom of this matter; I asked for an adjournment in order that we might have Wilkinson and Stimson in attendance; we have done everything we could to get at the bottom of the matter; but what I suggested was this: that in regard to the matter which is presented to this Commission, I had no further evidence to give, excepting the evidence of Wilkinson and Stimson—that is no direct evidence—and the telegraph operators; that the further evidence had a bearing upon another branch of the matter; and what I ask the Commissioners to find is, whether, without any further charge being formulated, they would go into these other matters; as to the question whether the members of the Ontario Government were made aware of these attempts, as the Commissioners have stated, there is on charge presented, but the Commissioners will also remember that each of the witnesses was examined upon that point and has given evidence upon it; if it is at all material it is shown that Messrs. Fraser, Hardy and Pardee at an early period were acquainted with these attempts, and by one of the witnesses, the Attorney-General was informed; as to the insinuation of Sir David Macpherson, I would have thought that his position might have protected me from the remark that I was trying to examine the witnesses or was fishing for evidence to make a case against him; I should have thought that I was warranted in supposing that he knew sufficient of the mode in which these inquiries are conducted to know that there is a sequence in the evidence, and it is for Counsel to say whether they shall conduct their case in the way of that sequence; I am of course at liberty to call such witnesses as I think may be necessary to establish one branch of the inquiry, and it was merely in that view that I desired the presence of these operators; but I do not feel now that I would be justified in delaying the examination unless the Commissioners think it would be reasonable to have a postponement so as to get also the evidence of Wilkinson and Stimson: I am here for the purpose of carrying out the inquiry to the fullest, so far as the Commissioners think fit to entrust me to do so, and I never suggested that the Commission should be closed; I simply suggested that so far as I was concerned, unless they ruled that the other branch of the inquiry was to be gone into, I did not feel that I would be justified in keeping the Commission, but if there are persons here who desire to give evidence, there is nothing to prevent it.

Mr. MORRIS.—Mr. Blake was wrong in endeavoring to convict me of inaccuracy. He says that the scope of the Commission was limited to the four persons named. Now, the Commission recites the whole of the formal statement.

Mr. BLAKE.—The Commission is in the hands of the Commissioners.

Mr. MORRIS.—I am aware of that. It recites the whole action of the Assembly, and then what does it refer to the Commission: "to inquire into and investigate the charges of bribery and conspiracy aforesaid, and any attempts to corrupt the members of the said Assembly, and all matters and things which in your judgment relate thereto or affect the same." Now, I ask, are these matters and things material in this case?

Mr. Charles H. Mackintosh.—I find in a Toronto paper this morning in a report of the evidence the following: "Mr. Blake now asked that Charles H. Mackintosh be called on his subpœna, and on his being called there was no response." I was subpœnaed on Saturday last, I think by Mr. Rogers. I told him I had a very important engagement on Monday, but that I would consult my lawyer, and if it was necessary would leave on Sunday night and be here on Monday. My lawyer telegraphed Mr. Johnston, and he informed me that Mr. Johnston stated that I could be here on Tuesday at ten o'clock, and yet I find that my name was called in this way on Monday. I meant no want of respect to the Court. As I am here to give my evidence I would like to be examined, as I want to return to my business.

Mr. Carnegie.—I also desire to be examined. I have been charged, not formally, but in some of the papers supporting the Mowat Government, with being cognisant with all the matters connected with this affair; and down in Lennox it was stated that the conspiracy was hatched in the Opposition caucus. I wish to be examined.

John Shields.—Last time the Court sat I had occasion to go to Winnipeg. I called on Mr. Johnston, but he was not in, and my solicitor called and made arrangement. They gave me eight days to go to Winnipeg to attend to some law matters before the Court. I came back within the time, and found that this Court had adjourned. I am here now and staying here at great inconvenience.

Mr. Johnston.—Though Mr. Mackintosh's name was called, no process was ordered yesterday, as we knew he would be here.

Two other gentlemen arose in the court-room and stated that they had been subpœnaed, and desired to be examined.

Mr. David Creighton.—I represent North Grey in the Assembly, and I have been subpœnaed to give evidence. Since the last adjournment I have received a letter from Mr. Johnston, who signs himself as Solicitor for the Crown, asking me to be present again. I was present here before the adjournment of the Court, and was seen by Mr. Johnston. My name has been mentioned in the course of the evidence, and I desire to have the privilege of giving evidence before the Commission closes.

Mr. Meredith.—I should assume that the Commissioners would not prevent anybody whose name has been mentioned from going into the box and making any statement he chooses. I desire to take that course, and I assume that there will be no objection.

The Chairman.—With regard to the suggestion made by Mr. Blake, the Commissioners think it is not incumbent on them or proper for them to say how far the evidence should go, and that the responsibility of prosecuting his case must rest with Mr. Blake himself. The Commissioners, however, do not think that the Commission imposes on them the duty of hunting up evidence or seeking witnesses. They are here to hear evidence. They have given public notice—as public as could be given—to any persons who desire to give evidence, that they will be heard, and I do not think they can go further. As to all these gentlemen who have been subpœnaed and are present here, the Commission are perfectly ready to hear their evidence. We did not think it proper while the Counsel for the Crown was going on with his evidence—we did not think it incumbent on us or proper, or within our power to indicate to him in what order he should call his witnesses, or what witnesses he should call. But as soon as Counsel for the Crown has closed his evidence then, any person who desires to give evidence can do so. Sir David Macpherson will not be excluded from giving his evidence; though I cannot but express my surprise and my regret that in closing his address he should have made such a charge as he did make against the Premier of the Province. No gentleman, I think, should have made such a charge against another.

Sir David L. Macpherson.—I do not think the Premier of the Province should have made the charge he made against me in my absence, and without communicating with me.

The Chairman.—Any person who chooses to go into the box will be heard to any extent in explaining evidence in regard to themselves. If it is intended to make a formal charge against the members of the Government, these charges must be formulated in the first instance. We do not think it would be proper to allow a rambling sort of evidence to be given without applying it to any formal charge. Mr. Blake may say whether he is prepared to go on with any further evidence in the meantime, and if not, any person now present can be examined. That offer was made some time ago to the counsel for Mr. Kirkland, but he declined to give evidence until the whole case for the Crown had been closed, and I was under the impression that the other gentlemen charged had been acting in that view. They may perhaps, however, be taking a different view now.

Mr. Blake.—The process of the Commission has issued against the telegraph operators. If the Commissioners limit the inquiry in a way in which, as I understand it is intended to limit it—that is, without further charges being made than those in the Commission, as to what these men have done, then I do not desire to postpone for the purpose of having these operators examined; but if it is to be wider than that, then I desire to have the opportunity of offering further evidence.

The Chairman.—We have decided that before evidence can be given on any new charges, they must be formulated.

Mr. Blake.—Certainly; at some time or other these charges must be formulated, and it would be unfair to go into them on the ground that hereafter they might be formulated.

Mr. Meredith.—I understand that the Commission was limited in the absence of formal charges to the persons named.

The Chairman.—We understand that there are formal charges made against these persons, and if there are any other persons implicated on either side, the charges must be made.

Mr. Meredith.—The course which the proceedings have taken has been that the evidence of any parties whose names have been introduced in connection with these transactions would be taken, but certainly this could not be permitted if the scope is limited in that way. I would like to understand the statement made on the floor of the House—the understanding upon which the House assented to the sending of the case to a Commission was that there should be a full inquiry.

The Chairman.—The inquiry is not limited; you can make it as wide as you please.

Mr. Meredith.—Surely there have been charges made, for instance, against the Dominion Government. They have been charged, and the particular member of the Government, who is named there, has not been examined. There is an insinuation, at all events, if not a direct charge, that the officers of the Dominion Government have been trafficing for the purpose of defeating the Mowat Administration. Surely that is part of the matter to be investigated here. It seems extraordinary that it should be necessary to formulate a charge in order that that should be investigated.

The Chairman.—It requires no formulation of a charge to enable Sir David Macpherson to deny a statement made against him.

Mr. Meredith.—But is it fair that these insinuations should be made, and that the parties making them should not have the courage to formulate them as charges?

The CHAIRMAN.—As I say, Sir David Macpherson can have the opportunity of denying it; but if it is intended to make any charges against persons not named, I think they should be formulated, instead of leaving the investigation to run at large.

Mr. MEREDITH.—With regard to that branch of the matter it seems to me that there is in the Statement of the Attorney-General, and in the Commission itself, sufficient foundation for making that inquiry. It may be a matter of ethics, but I think no more serious charge could be made against the members of the Government than that of knowing of an attempt to corrupt the Legislature.

The CHAIRMAN.—But you don't require to have evidence on that point.

Mr. MEREDITH.—But it ought to go further—not only permitted it to go on, but advised and encouraged it to go on, and endeavour to entrap persons not named here to go into these acts. I do not think a graver charge could be made; and the idea of the Opposition, when the scope of the Commission was enlarged by the addition of the words referred to by Mr. Mowat, was that there should be an investigation into that, and I think the public will expect that there shall be such an investigation.

The CHAIRMAN.—Can you give any further evidence to establish the knowledge of the Government?

Mr. MEREDITH.—It is more than that. The Government say they knew, but I think it is important that all the circumstances should come out to show how far they endeavoured by means of the men they were using to entrap members of the House and members of the Conservative party into acts in contempt of Parliament. I think this is a most important matter, and I feel that I am entitled to ask that the Commissioners will postpone the inquiry in order that the members of the Government may be examined, and that we may get from their mouths a full statement of the whole transaction.

Mr. BLAKE.—I call attention once more to what the terms of the Commission are. If the Commission think they have power to go into these other matters, I presume the next point for them to consider will be how these are to be presented. At the present moment there is no charge made in the Commission as to the leader of the Opposition taking any part in this matter; no charge against the Government; but simply that the five men, Bunting, Wilkinson, Meek, Kirkland and Lynch, entered into a conspiracy to accomplish the defeat of the Government. It then recites the way in which they went about to do that, and it proceeds to say that the Commissioners are to investigate these charges, that is, the charges of bribery and conspiracy aforesaid, and any attempts to corrupt the members of the said Assembly, and all matters and things which in their judgment relate thereto or affect the same—the same having reference to what has preceded in the Commission. Now, there is no charge made, and none to be argued as against anyone except these five. There is no charge as against the Dominion Government. It is perfectly true that there was some evidence given, but that was simply to show that there were some means being used by these persons, and not beyond that. It is true that in the course of examination a great deal of latitude was given, but at present there is simply the charge against these five persons. There is no charge against the leader of the Opposition or his associates; no charge against the Dominion Government. It is not sought to be argued as against them. and unless the Commission be extended that cannot be gone into, and certainly not until at least something is formulated, upon which it may be known what the evidence is to be given for or against.

The CHAIRMAN.—We have already determined that if there are any charges to be made against other parties than those named they may be formulated or they may be made verbally and a note taken of them by the reporter, but the charge must be made upon which evidence is to be given. As to the other witnesses, any person present desiring to give exculpatory evidence can now do so.

Mr. MEREDITH.—In the event of additional charges, would the inquiry be prolonged to enable the evidence of the Attorney-General to be taken?

The CHAIRMAN.—Certainly, although it is difficult to say what time we would be able to take it up.

Mr. MEREDITH.—That I desire to formulate this charge: That members of the Government, Messrs. Fraser, Pardee, Hardy, and Mr. Mowat, knowing that attempts were being made to corrupt members of the House, induced members of the House to approach the persons who are said to have been engaged in this work for the purpose of inducing them to make corrupt offers, and to endeavour to entrap others not engaged in the matter into the same criminal acts.

The CHAIRMAN.—Any person present desirous of giving evidence can now do so.

Mr. ERMATINGER.—I would like to ask if I am discharged from further attendance on my subpœna?

The CHAIRMAN.—Certainly.

Mr. ERMATINGER.—There was some dispute as to which party called me, and I thought I would give every opportunity for my examination.

Mr. CASWELL.—Mr. Blake stated that the defendant had sent in Mr. Ermatinger's name; that is a mistake.

The CHAIRMAN.—He said he had subpœnaed him, as I understood.

Mr. CASWELL.—At our request, but that is a mistake.

Sir DAVID L. MACPHERSON, sworn.—I ask to see the Exhibit filed in the Court, said to be my letter to Mr. Wilkinson. (Exhibit shown witness). That is my letter, and I will state the circumstances under which it was written. It is dated the 1st of February, 1884. Mr. Wilkinson called upon me at my office at the Department of the Interior, and said he had been promised by Sir John Macdonald the appointment of Registrar in one of the Registration Districts in the North-West Territories; that he was very anxious to have that promise fulfilled, and came to me to ask me to have it completed—to recommend it. He asked specially to be appointed to the registrarship of Calgary. I told him that before I could give him any answer on the subject I must see Sir John Macdonald, and ascertain from him what he really had promised. I did not do that for some time—how many days I do not recollect. I should say that at that interview I told Mr. Wilkinson that the better way would be for himself to go to Sir John and obtain from him in writing a renewal of his promise, and to bring it to me. Mr. Wilkinson saw me a day, or two, or three afterwards at the Senate, and repeated his request to be appointed Registrar at Calgary. I asked him if he had brought the note I desired from Sir John Macdonald. He said he had not; that he hadn't seen Sir John; that he would rather not call upon him, as on the last occason he saw him on the subject Sir John treated him with some curtness; he would rather not call upon him again, and he begged I would speak to Sir John on the subject, and remind him of the promise which Wilkinson alleged he had made to him. Mr. Wilkinson, I presume, left Ottawa, for I received two or three letters from him from Toronto urging me to give him his appointment, and I then received from him a telegram asking urgently for a reply to his letters. I replied by telegraph that I would reply to his letters when I had spoken to Sir John on the subject, which I had not done up to that time. I, however, did so very soon after that, and Sir John confirmed Mr. Wilkinson's statement as to the promise, and I wrote him this note, not promising him the registrarship of Calgary, which was the one he asked, but that for Edmonton; and it was to announce to him that I had determined to recommend him for that office that the note was written. I do not know that there is anything more to say with regard to that. With regard to the statement which is to be found in Mr. Mowat's formal statement to the House of Assembly, in which he says: "That to secure the same corrupt object, the same Wilkinson and Bunting further offered and undertook that the said McKim should be appointed Registrar at Edmonton, in the North-West, with a salary of $1,000 a year, and both the said Wilkinson and the said Bunting assured the said McKim that the Dominion Minister of the Interior had pledged to them his word that their said promise of the said office would be carried out." That is altogether unfounded in fact; there is not a tittle of truth in it.

The CHAIRMAN.—That is that you made such a promise?

The WITNESS.—Yes.

The CHAIRMAN.—Mr. Mowat does not say that you did, but that they had asserted that you had done so.

The WITNESS.—I think it is distinctly implied.

Mr. BLAKE.—No, no

The WITNESS.—I made no such promise, and I do not think Mr. Mowat should have insinuated it without communicating with me.

The CHAIRMAN.—I don't think he insinuated it; it is merely that these men represented so.

The WITNESS.—I am glad your Lordship thinks so, but if you take this in connection with the statement in the House on the first occasion, I think you will admit that he attempted to connect me very distinctly with it. It is referred to in another place, not very distinctly, but distinctly enough to convey a very improper imputation, and that is in the Police Court. There seemed to be a design to resort to every means to connect me with these transactions.

The CHAIRMAN.—I understand you to say that there was no promise to give any registrarship to any person at Wilkinson's request.

The WITNESS.—No such promise. If you read the newspapers you will see the persistency and the malignity with which I have been attacked and maligned in regard to it. To the second statement I give the same denial. It is found in Mr. Mowat's statement to the House, in which he said that the said Wilkinson undertook that the said Balfour should be appointed by the Dominion Government to the registrarship at Regina, in the North-West. I say that Wilkinson had no authority whatever to make that statement. I need not tell your Lordships that such a thing was never heard of as that a note of this kind should be negotiable by endorsement. My attention has been called to it, and I state in the most unqualified manner that it was altogether unauthorized and unknown to me.

By Mr. BLAKE.—*Q.* Do you usually keep copies of the letters you write?
*A.* It depends on their nature. Official letters I do. Private letters I seldom do.

*Q.* You say that Wilkinson wrote several letters urging this appointment?
*A.* Yes.

*Q.* Did you bring those with you?
*A.* No; I do not keep such letters—private letters or letters of application for office.

*Q.* And those letters being such you destroyed them?

*A.* Yes, I suppose so.

*Q.* Do you recollect destroying them?

*A.* I think I do. I have no doubt whatever but I did, because it is my habit to do so. Some of them I remember distinctly destroying.

*Q.* You were further urged by telegram. Did you retain or destroy that?

*A.* I destroyed it.

*Q.* You have no copies of the letters you wrote to Wilkinson?

*A.* I never wrote a letter except that one.

*Q.* Simply by telegram?

*A.* That is all.

*Q.* And you havn't the telegram?

*A.* No; it was simply saying that I would answer the letter after communicating with Sir John.

*Q.* Do you recollect the contents of Wilkinson's letter?

*A.* Oh, yes; they were asking for the office.

*Q.* Do you recollect as a matter of memory?

*A.* I recollect the substance, the purport of them, not the words.

*Q.* Do you recollect if either of them specified the locality in which he desired the registrarship?

*A.* I do not, but I have no doubt——

*Q.* I do not want a "no doubt." Was Wilkinson at any time employed in your department?

*A.* Never, and he never drew a dollar of money from me.

*Q.* This time he approached you, you were head of that department?

*A.* I was.

*Q.* And was the only reason you went to Sir John about it because of the statement of Wilkinson that Sir John had made him a promise?

*A.* Yes, at the time Sir John was in the department.

*Q.* And it was to supplement or fulfil that promise?

*A.* Yes.

*Q.* Had you ascertained that the promise had been made?

*A.* Yes.

*Q.* The promise of any particular registrarship, or generally?

*A.* The promise of a registrarship.

*Q.* That was not very definite. What was the reason you did not give him Calgary?

*A.* I could hardly give you a reason for that.

*Q.* It could not be just general perversity; he asked for Calgary?

*A.* Well, the salaries are the same, but I decided to recommend the other.

*Q.* And to whom did you give Calgary?

*A.* It has been given to Mr. Thomas A. McLean.

*Q.* But it was not given at that time?

*A.* No.

*Q.* Has Edmonton yet been given?

*A.* No.

*Q.* It is still open?

*A.* Yes.

*Q.* For Wilkinson or somebody else?

*A.* Yes.

JOHN CARNEGIE, sworn.—What I desire to answer are the following questions, which were put to myself in the Port Hope *Guide* of June the 21st last: "Who drew up the round robin for the Government supporters to sign?" I never saw it and know nothing whatever about it. Never heard of it until it was produced in the Committee of the Legislature, and then only at some distance, it being in Mr. Fraser's hand and I at some distance off. "Who met Wilkinson, Meek, Bunting, and Lynch at noon in the Queen's Hotel on the day the *exposé* was made in the House?" To the best of my knowledge I never met them in my life. I am sure I didn't meet them on that day, or any one of them. "Who got Kirkland a front seat in the Speaker's Gallery, where he could witness the downfall of the Government?" I never saw him to my knowledge until I saw him at the police court, and then I didn't recognize him as having seen him before; therefore I didn't get him a seat in the gallery of the House nor anyone else that evening. "Who despatched a messenger to tell Lynch of the arrest of Kirkland and Wilkinson?" Most assuredly I did not. To me Lynch is a mysterious personage. Moreover, I didn't leave my seat in the House from the time Mr. Mowat made his announcement until the House rose, nor did I send a message to any person. "Who assisted in hiding H. H. Smith until the Committee on Privileges and Elections had reported to the House, lest he should be called on as a witness?" I did not. I did not see H. H. Smith for at least two or three days before the announcement made by Mr. Mowat, and I have not seen him since. I think those are the questions I am called on to answer there. Another thing I wish to deny emphatically is the statement made on the public platform by a representative of the Reform party that the conspiracy was hatched in Opposition caucus. I think I was present at them all, and I never heard the matter referred to in the most remote manner, good, bad, or indifferent. I perhaps may say that the only reference I heard to the matter at all or anything of the kind was in the beginning of the session, very early in the session, that Mr. McKim was likely to desert the Mowat party. I told the parties who made use of the expression that I would not trust McKim, from what I knew of him, across the street, having sat in the House with him from 1867 to 1871. This is the only connection I know of in the whole matter.

By Mr. BLAKE.—*Q.* Were you accused of these various things, or is it simply an accusing conscience?

*A.* There is an article from the *Guide* attached to the letter.

*Q.* Yes, but it didn't say that you did these things.

*A.* It asks me to answer them.

*Q.* Then it is simply your conscience accusing you. Are you editor of a paper?
*A.* I am connected with a paper.

*Q*, And you write for it?
*A.* Yes.

*Q.* As editor?
*A.* Yes, my articles appear as editorials.

*Q.* Evidently the Eatonswell *Gazette* is not on good terms with Mr. Potts?
*A.* It is the Port Hope *Guide.*

*Q.* Is the editor of the Port Hope paper going to be here?
*A.* I do not know.

*Q.* Do you know Mr. Wilkinson?
*A.* I met him frequently, naturally, when he was valuing the Credit Valley works.

*Q.* Did he ever assist you in your county?
*A.* He spoke at one meeting during my contest when I was absent. My friends sent for him.

*Q.* Did you see him during the session of the House?
*A.* I saw him once in the lobby of the Queen's Hotel, and I passed him I think once or twice on the street.

*Q.* Do you know Stimson?
*A.* No.

*Q.* Never saw him to your knowledge?
*A.* No.

*Q.* You repudiated him as Lynch, you know. Now I ask you do you know Stimson?
*A.* I never saw him that I am aware of.

*Q.* Do you remember when it was first suggested that a resolution should be brought in by the Opposition in regard to the timber policy?
*A.* No, I could not fix the date. I have nothing in my mind to fix it.

*Q.* Did you see the resolution itself?
*A.* No, I did not; it was only generally spoken of in caucus.

*Q.* Do you recollect the resolution itself being got up in caucus?
*A.* No, I do not.

*Q.* Do you recollect seeing it?
*A.* I never saw it, and do not know that one was actually prepared.

*Q.* Do you know where Wilkinson is now?
*A.* I do not.

DAVID CREIGHTON, sworn.

I understand I have been subpœnaed here on behalf of the Crown. I expected to have been questioned, and I fear it is rather embarrassing to question and answer one's self.

Mr. BLAKE.—*Q.* Could I help you in any way?

*A.* I am at your service.

By Mr. BLAKE.—*Q.* Do you edit a paper?

*A.* I do.

*Q.* Any accusations brought against you by the paper of the other village.

*A.* Yes, there have been lots of them.

*Q.* Did you answer them?

*A.* Do you mean accusations in connection with this matter?

*Q.* Yes.

*A.* There was one accusation.

*Q.* Would you like to answer it?

*A.* Yes.

*Q.* Then you may answer it.

*A.* If that is all you want to know, I will answer it. Perhaps I had better make my statement and answer it in the course of the statement.

The CHAIRMAN.—Just make a statement.

The WITNESS.—I wish to say with reference to this matter of attempts to bribe and corrupt members of the Legislature, that I have no knowledge whatever of any such attempts. During the early part of last session it was a matter of common talk that the Government had been greatly weakened by the election, that there were a number of members supposed to be on the Government side of the House who were weak, as it is usually called, and who might, if a coalition were formed, come over and support the coalition. I heard general talk of that kind in the early part of the session. That talk seemed to die away after a few days of the early part of the session, and I heard no more of it until I heard of the statement being made in the House by the Attorney-General. I was not told by anybody, nor do I know that any attempts were being made to bribe any members of the Legislature, either by promises of office or promises of money.

Mr. BLAKE.—I understood that the Commissioners were going to give an opportunity to any gentleman to make an answer to any accusation made against him.

The WITNESS.—I hope you will not allow the counsel for the Crown to prevent my making a statement. A general accusation has been made against the Opposition in the Local House by attempting to connect them with these matters.

The CHAIRMAN.—All you require to do is to exculpate yourself.

The WITNESS.—As a member of the Opposition. With reference to the Opposition caucus and the timber policy, I desire to say that I never knew there was such a person as the man named Kirkland until the statement made by the Attorney-General in the

House. Afterwards, when he was pointed out to me, I recognised him as having seen him round the House during the session. His name was never mentioned in the caucus of the Opposition until after the statement was made by the Attorney-General in the House. Reference to the timber policy of the Government first came up at a meeting of the Opposition previous to this matter having been stated by the Attorney-General in the House. It was brought up, if I recollect aright—and I think my recollection is pretty accurate on this point—it was brought up by Mr. Meredith, the leader of the Opposition, who introduced the question of the timber policy of the Government. He had ascertained that an Order-in-Council had been procured by the Commissioner of Crown Lands immediately prior to the last election, and had a copy of that Order-in-Council with him, which—I speak now of its general terms, because I have not a copy here—we understood to give the Commissioner of Crown Lands the power of disposing of timber limits on the North Shore of Lake Superior without putting them up to public competition, thus changing the avowed timber policy of the Government. That Order-in-Council we talked of in Opposition caucus. We believed it had been kept secret; at least no public announcement had been made of it. We believed that Order-in-Council had been passed for the purpose of enabling the Commissioner of Crown Lands to repay some of his friends for their political services, and the matter was brought up in the caucus in order that we might discuss that subject in the House. There were other matters in connection with the timber policy of the Government mentioned at that caucus. Another one was what we had discussed the session before in the House—the policy of disposing of timber limits after previously bringing the matter before the notice of the House. That was also the subject we talked of. A third was with reference to the free grant settler—a change which had been made in the Free Grant Act by the present Government, and a change we believe not to be in the interests of the settler. Those were the three subjects spoken of in connection with the timber policy, and I believe they were the only ones: and it was decided that a resolution should be drawn up—it hadn't been drawn up to that time—after getting the sense of the caucus upon it, embodying these in general terms so that when the matter came up for discussion we would be able to discuss it. There was no representation whatever of any attempt being made by outside parties to change the timber policy of the Ontario Government. I am positive on this point, because it is a matter I would have recollected if there had been such a thing. There was nothing which gave me to understand that there was a Mr. Kirkland or anyone else trying to change the timber policy of the Government, or any plot being got up in connection with it. The Opposition caucus had no reference to such plot in the resolution directed to be drawn. That resolution, I believe, was drawn up by Mr. Meredith after getting the sense of the caucus; and he showed it to myself and some other members of the Opposition after Mr. Mowat had made his statement to the House, and asked our advice as to whether in view of the circumstances it would be advisable to move that resolution. Our opinion generally was that a discussion on our resolution could not be got under the circumstances, because the moment the timber policy was mentioned the discussion would drift off to this matter of Kirkland and the matter of the conspiracy, and I understand that was the reason why Mr. Meredith did not eventually move that resolution. My name, I understand, has been mentioned by a witness who has previously given evidence at this Commission—Mr. McKim—and it was with reference to that that a statement was made in another paper in the Town of Owen Sound. They quoted the statement as it appeared in the public press of Mr. McKim's evidence before the Police Court, in which he is reported as stating that he got a letter from Wilkinson to deliver to Meek, that he called me out to the lobby of the House and gave the letter to me. A Reform paper in the Town of Owen Sound copied that and called on me to explain, making some contemptuous remarks in connection with it. I simply explained by saying that if Mr. McKim gave such evidence before the Police Court he was committing perjury. The facts in connection with it are, that sometime before the 17th of March, the date on which Mr. Mowat made his statement in the House, one of the pages of the House came to me in the evening—I do not recollect the exact evening—and said that Mr. McKim wished to see me in the lobby. I went out into the lobby known as the Speaker's lobby.

Mr. Blake.—There was no such evidence given here—nothing about a messenger.

Mr. Meek.—Yes, there was such evidence.

Mr. Blake.—Mr. Creighton is quite right; it was given at the Police Court, but not here.

The Chairman.—I have no recollection of its being given here.

The Witness.—I was not present here throughout the evidence, and I wish to make a statement with reference to it.

The Chairman.—You can go on.

The Witness.—The boy having asked me to go to the lobby and see McKim, I went out to the lobby and found McKim there. When I went in he said to me—I am giving his words as near as I can recollect—"You know Mr. Meek, the lawyer, Mr. Creighton?" I said, "Yes." "Well," he said, "he is round the lobby somewhere, and I want to see him." The impression he conveyed of what he said was that he did not personally know Mr. Meek, and wished me to point him out. I said, "If he is around, I will find him for you." I walked round the Speaker's lobby to the one running across the rear of the House, and I looked down it but did not see him, and said so to McKim. He said, "Perhaps he is in the refreshment room; you know him, and if he is there, ask him out." I went to the door of the refreshment room, opened it and looked in. I saw a number of persons there, and saw Mr. Meek sitting at one of the tables. I stepped over to where Mr. Meek was and said to him, "Mr. McKim wishes to see you in the lobby." He immediately came out. I will not be certain whether I said, "McKim wishes to see you" or "a gentleman wishes to see you," but I said one or the other. As we came out I saw McKim a few steps off in the lobby. I turned round to where he was and said to McKim, "There he is," introducing him in that way, and I left them together. That is all I know of that matter. He never gave me a letter, and I do not know whether he had a letter or not. I know not for what purpose he wished to see Mr. Meek. I had had no communication with Mr. Meek or any other person about attempts being made to corrupt members of the Legislature. These are all the facts, as far as I know them, to which my knowledge extends in connection with this matter.

By Mr. Blake.—Was there another gentleman by the name of Creighton in the Assembly at that time?

*A.* There was not.

*Q.* Then you were the gentleman they were going to make the Treasurer of without your knowledge?

*A.* I am not aware that they were going to make me Treasurer.

*Q.* You have heard it?

*A.* Yes, but I didn't know that hearsay evidence could be given here.

*Q.* Did you take any part in the contest in East Grey during the sitting of the House?

*A.* Yes.

*Q.* Do you remember stating there that the Government was going to be defeated; that your knowledge was quite sufficient for you to say that?

*A.* No, I don't think I made the statement in that way.

*Q.* What is your recollection of the way in which you made it?

*A.* I think I stated in general terms that there was a probability of their being defeated. I mentioned the fact that I believed Dowling was sitting there not legally a member of the House, and that was one to be taken off. I think I mentioned the fact that the supposed member for Algoma was not legally the member for Algoma, and was sitting there in defiance of law and everything else. I mentioned two or three facts in connection with that to show the precarious position of the Government.

*Q.* No other reason assigned ?

*A.* No.

*Q.* Are you sure ?

*A.* Certain ; if what Mr. Blake wants to get is that I had anything on my mind——

*Q.* I want to know if you stated vaguely something beyond these, as reasons for predicting the downfall of the Government?

*A.* I have no recollection.

*Q.* Would you swear positively that you did not, Mr. Creighton ?

*A.* Of course I was not taking any notes of what I was saying ; it was off-hand, but I had nothing present in my mind ; I may have stated in general terms that I believed we would defeat the Government, but I gave no specific reasons except those.

*Q.* But two members would scarcely have done it ; did you make a statement on the subject at all ?

*A.* I believe I did, but I have no distinct recollection of it ; if you say so, probably I did.

*Q.* I am informed that you stated that there was no doubt of the defeat of the Government, and that if they elected Mr. So-and-So he would be really a supporter of the Government before the session was over ?

*A.* I do not think I stated that.

*Q.* Something of that kind ?

*A.* I do not think I did.

*Q.* How strong do you not think so ?

*A.* I think it very strongly, because it was within two or three days of the end of the session at that time, and I had no idea at that time that before the end of the session the Government was going to be defeated, and I am not in the habit of making statements at public meetings that I do not believe myself.

*Q.* You sometimes make an exception, but that is your habit ?

*A.* No, I never make an exception.

*Q.* Well then, you never do it ?

*A.* I never do.

*Q.* Well, I am glad we have arrived at a perfect member at last !

*A.* Not perfect, but truthful.

*Q.* Perhaps a truthful one ; I was paying you a higher compliment, but you should know best ; then in regard to the question of finally voting when they went into Supply —do you recollect that that was delayed four or five days ?

*A.* The final voting.

*Q.* They were going into Supply, and that was delayed from Wednesday or Thursday till Monday or Tuesday, at the request of Mr. Meredith; do you recollect that?

*A.* I do not recollect it.

*Q.* Was that the time you were in East Grey?

*A.* I was only absent from the House one afternoon, that afternoon being the one on which Mr. Mowat made his statement.

*Q.* Was that the time of the East Grey election?

*A.* That was the evening before the polling?

*Q.* The polling would be on Tuesday?

*A.* Yes.

*Q.* Do you recollect as to the postponing of the going into Committee of Supply from Wednesday or Thursday till the Monday?

*A.* No, I have no recollecton, but there may have been a postponement.

*Q.* But you have no recollection of it?

*A.* No.

Charles Herbert Mackintosh, sworn, stated:—

Your Honors,—I received this subpœna on Saturday last at Ottawa. It is the regular form of subpœna, to which is added: "and that you have with you, and produce to us, copies of all telegrams sent by you to, or received by you, from Christopher W. Bunting, J. A. Wilkinson, Frederick Stimson, one Lynch, Edward Meek, John Shields, or any of them during the months of February and March, 1883." I suppose that is intended for 1884. I beg to say, my Lord and your Honors, that I received no telegram from Mr. Bunting, Mr. Wilkinson, Mr. Stimson, Mr. Meek, or Mr. Shields, during those months, or at any time that I can remember. I sent none to them. I had no communication, direct or indirect with them, verbally, by letter or telegram. I had some telegrams from one Lynch, but they being of a personal character, and not connected at all with this case, could not possiby be the ones referred to, and I hope the Court will excuse me from producing them.

The Chairman.—You had telegrams, you say, from Lynch?

*A.* I had telegrams extending over some time from Lynch—W. Lynch; also one signed H. H. Lynch—a letter and some telegrams. I looked carefully through all my papers—copies of telegrams I keep regularly, both those I send and those I receive—and I have none in my possession, and to the best of my recollection I never had any; and I positively swear that I never had any from Mr. Bunting, or any of the persons mentioned, referring to anything that could be construed into an alleged attempt to corrupt members of the Provincial Legislature of Ontario. The only conversation I had with any of the gentlemen mentioned in the subpœna was one with Mr. Wilkinson, but that was in the early part of 1883. I was not very well acquainted with him. I met him on one or two occasions. I met him first in 1874, when he was canvassing for a newspaper, the West Durham *News*, which had what he called the Big Push letter in it. Subsequent to that I saw him, I think in June, 1883, when he asked me to use any influence I had and to urge Sir John to appoint him to the registrarship of Calgary, I think he said. He said he had the partial promise of Edmonton, but he would rather go to Calgary; and my impression is that I said that if he waited a while I thought he could get Calgary. I went and saw Sir John afterwards, and told him that Mr. Wilkinson was very anxious to get an office, and I think Sir John said he would look into it. That is the only interview I had subsequently with him, and it had no connection with the subject matter of this investigation.

The CHAIRMAN.—Is that all you desire to say?

*A.* Yes, my Lord. Those telegrams I suppose I am excused from producing. I will show them to you if you wish to see them (handing them to the Chairman). They refer to private business. They are altogether connected with the Province of Quebec, in the matter of some lands.

The CHAIRMAN.—Who is that Mr. Lynch?

*A.* It is the Hon. W. Lynch. I think he is now Commissioner of Crown Lands in Quebec.

Mr. BLAKE.—It is the witness's idea of a joke, my Lord. It is not the same Lynch at all.

WITNESS.—It is the only Lynch I am acquainted with, and as the names are not mentioned in the subpœna, I thought I had better bring these telegrams. The reason I brought them is not a joke, but I knew that if I came without them, the insinuation would be made as it usually is in the Opposition newspapers, that I purposely suppressed these documents. That is the reason I brought them—the only reason.

WILLIAM RALPH MEREDITH, sworn, stated:—

There are just one or two matters which have been mentioned, about which I desire to offer a word or two. Something has been said about the reason why the meetings of the Opposition caucus were held in the *Mail* buildings, and something has been said about persons other than members of the Opposition having been present. With regard to the latter statement, I wish to give it a most unqualified denial. At no time, at no place, was any person, except a member of the Opposition, present at any meeting of the Opposition. As to the reason why the meetings of the Opposition were held last session in the *Mail* buildings, for some time under Mr. Cameron's leadership, and after I acceded to the leadership of the party, we held our caucuses in the Parliament buildings. It was difficult to get a suitable room, and we thought, whether rightly or not, that we had not that privacy which was desirable, holding our meetings there. While the U. E. Club was in existence we went there; a room there was placed at our disposal. After that was closed, Mr. Bunting said that the library in connection with the *Mail* office would be placed at our disposal, a large room, and we were very glad to avail ourselves of his offer; and that was the reason, and the only reason, why the meetings were held there. A statement has also been made that at meetings of the party caucuses, the question of the defeat of the Government, and the question of the formation of a Coalition, were discussed. I wish to give that also a most unqualified denial. No such discussion took place at any time.

The CHAIRMAN.—You did not discuss the fall of the Government?

WITNESS.—No. We were always working for that, and would be very glad to see it come.

Mr. BLAKE.—Those two statements were never made by any witness.

WITNESS.—I saw it stated somewhere that caucuses were held from time to time, and that Mr. Wilkinson was communicating the result of these caucuses.

Mr. BLAKE.—But the statement that the question of a coalition was discussed was not made by any witness.

WITNESS.—Well, I desire to make that denial. Then I saw the statement that I went to Ottawa—I think by Mr. Dowling; and on each occasion he has strengthened it a little over his first statement. On the first occasion he said he believed, or thought, that I had gone to Ottawa, and had made arrangements to procure, by improper means, the defeat of the Government. Since that time I think the statement has been made a little stronger. I wish to give that an unqualified denial.

Mr. Blake.—I do not think that Mr. Dowling made that statement.

Witness.—Well, he has insinuated it, and I wish to give it an unqualified denial. I never went to Ottawa, or communicated with Ottawa, directly or indirectly, with reference to the defeat of the Government, or with reference to any improper means for removing them from office. I did go to Ottawa on the night of the 28th of February, 1884. The circumstances under which I went were these : I had discussed with Mr. Morris the position into which we thought the affairs of the Province were drifting ; that there was a conflict going on between the central authority and the Ontario Government, which must be injurious to the interests both of the Dominion and the Province. The conflict appeared to centre around the Boundary Question, the License Question, and the question of Jurisdiction over Railways. I discussed with Mr. Morris particularly the License Question, and the propriety of my going down to Ottawa, seeing that the Government of the day had a majority in the House, and that we could not hope to get rid of them and bring about a state of things we thought in the interest of the country ; to go down to Ottawa and see what could be done with the view of the removal of these sources of friction. I sent this telegram to Mr. Carling, thinking that Sir John Macdonald might be engaged otherwise and could not see me—this was on Friday :—

"28th February, 1884. Important to prevent confusion, arrangements should be made with Ontario about License Law, pending decision as to jurisdiction. If I go down can I see Sir John on Saturday, with prospect of his agreeing to make Dominion Law same as Ontario pending decision, and giving licenses to those Ontario gives them."

That is a copy I got from the telegraph office after the statement of Mr. Mowat on the 17th of March. I received a reply from Mr. Carling, which I have mislaid, but which I can probably send to the Commissioners later on, because I have no doubt I shall find it, in which he stated that Sir John would see me on Saturday, and to go there and dine with him, and we could talk the matter over afterwards. I left for Ottawa with a member of my family and a member of Mr. Carling's family on Friday evening, but owing to the snow blockade, we were unable to go through by Brockville, and went around by the Canada Atlantic Road. At all events we were delayed, and did not reach Ottawa until six o'clock on Sunday morning. I went with the ladies to Mr. Carling's house where I met Mr. Carling. Mr. Carling wanted me to stay over until the next day, as it was Sunday, and perhaps it would be better not to discuss these matters on Sunday. However, it was impossible for me to remain, and at my request Mr. Carling communicated with Sir John Macdonald, who said he would see me. I saw Sir John and discussed the three matters I have mentioned, with the view of bringing about some sort of concession on the part of the Dominion to avoid the friction which was taking place. That was the sole object of my visit. It had no connection, directly or indirectly, with the defeat of the Government by any of the means which have been the subject of this inquiry. No such means were discussed or suggested by anybody. I stayed with Mr. Carling and went to bed ; I was in bed most of the afternoon. The same evening I left for Toronto, going on the ten o'clock train ; while driving down in the cab with Mr. Carling, he mentioned that the Hon. Mr. Pope was ill, and asked me to step in and see him. I went and saw him for about five minutes, and discussed matters of general interest and his state of health, but nothing connected with the overthrow of the Government, and my visit down there had not the most remote connection with anything of that kind. That is the only occasion I visited Ottawa within a year probably of the time I have stated. Some statements have been made with reference to Mr. Kirkland and the Opposition policy on the timber question. I saw Mr. Kirkland, I think, probably in the second week of the session. He introduced himself to me as connected with large lumber interests in Michigan, or maybe Minnesota. He said his company was largely interested in mining in the territory north of Lake Superior ; that they bought a large territory there, under the impression that they were getting with the land the timber that grew upon it. He explained to me that the Government was issuing timber licenses for large tracts of the territory covering these lands, the effect of which was to put into the hands of large lumbermen the timber, and so prejudice the interests of those engaged in developing the mineral resources of the country in which he or his company was engaged. He explained to me the great dangers that would arise, in his view, from allowing that kind of thing to be done; in the destruction of timber from carelessness on the part of persons there, that would not exist if the land was divided up into smaller sections, and those interested in the development of the mineral resources had the timber as well. He mentioned that it was intended that a certain member of the House on the Government side should receive a very considerable section of timber limits for political expenses during the last campaign. He said there were seven members supporting the Government who were ready to vote against them on their timber policy. After hearing what Mr. Kirkland had to say, I told him that the Opposition could not support the change of policy which he advocated, which was the sale of the timber with the land, even though it would defeat the Government, unless we were satisfied that it would be in the interests of the Province. I promised that I would consider the matter, however, and told him that he could see me later on. I did consider the matter, and came to the conclusion that it would be impossible for the Opposition to adopt his views—such a radical change in the policy of the department. I communicated that to him. Upon that occasion, or subsequently, I won't speak with any certainty as to the time, he stated that he had abandoned the idea of that altogether, and what he wanted was to have an opportunity in the public market of competition with the lumbermen in the purchase of those limits. During this time I had ascertained by coming across the Orders-in-Council regulating the disposition of timber limits, which had been ordered to be printed during the previous session, and which had not been printed owing to some mistake or other, that there had been an Order-in-Council passed, on the recommendrtion of the Commissioner of Crown Lands, in the month of December, 1882, which provided that, contrary to the ordinary rule of the department, in what is known as the Thunder Bay District north of Lake Superior, the timber limits—and no reasons were given—should not be disposed of by auction, and the power was given to the Commissioner of Crown Lands to grant timber limits without competition to persons giving such bonus as might be considered proper under the circumstances. It appeared to us that that was a very objectionable mode of proceeding, and it looked suspicious, as it was passed on the eve of an election, and it gave colour to the statement made by Mr. Kirkland that these limits were being made use of for party purposes. The Opposition met, and as is usual—I desire to say to the Commission that I make this statement now without admitting the right of anybody to inquire into what takes place in the caucus of a party,' which, I submit, on public grounds should not be inquired into—but subject to taking that ground, I say that at this meeting of the Opposition, when the question of what line of attack we were going to take on the Government's policy during the session was discussed, the question of the timber came up. The position which the Opposition had taken in the previous election and as a result of their convention, was that the policy which the Government adopted of disposing of timber limits by auction at the will of the Government of the day without asking the sanction of the House, was not in the public interest. Our position was that no sales should take place without the Minister coming down to Parliament and obtaining its sanction to the sale taking place. The Opposition determined that that position should be re-affirmed. They determined that there had been injustice done to the settlers in the new districts, by permitting the lumbermen to take practically all the timber on the lands, and that the position of the Opposition on that subject should be reaffirmed, and that this Order-in-Council, by which the Government of the day assumed the control of the timber limits of the Thunder Bay District, should be attacked, as opposed to the development of that section of country. I say the Opposition determined on that, and I was asked to frame a motion, which I accordingly did, and this is the motion which was framed:—

"Mr. Meredith moves, seconded by the Hon. Mr. Morris, that all the words after the word 'that' be struck out, and the following substituted therefor: 'This House disapproves of the Crown Lands and Timber Policy of the Government, which deprives the House of proper control over the disposal of the Crown timber reserves and timber of the Province as illiberal to actual settlers in the new districts, and calculated to retard the development of the mineral resources of the country.'"

That embraced the views of the Opposition as assented to in the caucus. That motion was not moved. The statement of Mr. Mowat was made on the 17th of March. On that night the House went into Committee of Supply. Now, from an observation of Mr. Blake, I do not know whether he quite apprehends the way in which that takes place. The Opposition has no control of that whatever. That takes place just at such moments as the Government of the day chooses. From the opening of the session, or at all events the making of the speech of the Finance Minister, the House is always ready to go into Supply, and the Government have at any moment the right to take the House into Supply. On the 17th of March this statement of Mr. Mowat was made. That was the first intimation which I had, directly or indirectly, that any attempt was being made or was said to have been made to use improper means to secure the defeat of the Government. The matter came to me as a great shock. It was two or three days—two days, I think—before the House went again into Committee of Supply. On that occasion no motion was made. As far as I was personally concerned myself I felt that what had taken place, if it were true, was so unjust, so unfair a thing to the Conservative Opposition in the House, who were endeavoring to conduct the contest fairly, and, as they thought, to success, that I almost felt as if I would not care longer to remain in public life. There was a meeting of the Opposition a few days afterwards, and, as Mr. Creighton has said, it was determined then that there could not be a proper discussion at that stage of the session, in view of these developments, of the question on its merits, and it was thought best that the motion should not be pressed. The matter was, however, left in my hands, to do whatever I thought best, and so the motion was not made. This is the whole history and the true statement in regard to that resolution. So far as Mr. Kirkland is concerned, he never, directly or indirectly, said or hinted anything that any honorable man might not say to another honorable man. His course seemed to be pursued on the ground that he had a large interest in the country. He would first like to see the policy changed, but, failing in that, he would like to see the Government which he thought was doing him an injustice defeated; but that any improper means were used there was no hint, no suspicion. I saw Mr. Kirkland again on the night the statement was made by Mr. Mowat in the House. On that occasion Mr. Kirkland came to my room at the Queen's Hotel. He brought with him a map of a large district north of Lake Superior, on which he had marked with a star the lots comprising several thousand acres which had been granted to Mr. Conway, and Mr. Thompson, who was a returning officer in the last election, granted under the Order-in-Council of December, 1882. He had also an unsigned contract by which these two gentlemen agreed to sell those timber limits, and agreed to use their influence with the Government to secure others. That they had agreed to, he said, but declined to put their names to it. That was near the hour of the meeting of the House, and Mr. Kirkland accompanied me to the House that evening, and I left him and went and took my seat. It has always struck me as strange that although Mr. Kirkland was arrested that same evening these documents were never produced. They were certainly in his possession, and were large and bulky documents. So far as any attempts to bribe, either by offers of office or money, or to induce improperly any member to vote against the Government, put forward by the Opposition, I desire to say for myself that I had no knowledge or suspicion of it, and I do not believe any member of the Opposition had either.

By Mr. Blake.—*Q*. Did Mr. Kirkland put in writing what his views were?

*A*. No, he did not.

*Q*. The only writing you had upon the subject was the resolution you yourself drew

*A*. Yes. I will tell you what he did—he wrote a letter to Mr. Keefer which Mr. Keefer showed me.

*Q*. Which Keefer was that?

*A*. Mr. T. A. Keefer.

*Q.* What had Mr. Keefer, do you know, to do with the matter?

*A.* Nothing whatever. He happened to be on the way to New York on some mining enterprises, he told me.

*Q.* And that is all you know about Mr. Keefer?

*A.* Yes.

*Q.* And that is the only thing you saw in writing developing Mr. Kirkland's ideas?

*A.* Yes.

*Q.* Then I understand the first view of Mr. Kirkland you thought was too subversive entirely of the mode of carrying on the Crown Lands Department, and you did not assent to it?

*A.* I do not mean to say that that policy might not be in the interest of the country, but it was too large a question for discussion at the time, and I could not take the responsibility of making a proposition for such a change.

*Q.* And he told you that for that resolution at all events he could get seven members to vote who ordinarily voted with Mr. Mowat?

*A.* No, he did not put it in that way. He said that seven members would vote for a resolution opposing their policy.

*Q.* That is to say, if I understand you aright, would vote for something like what Mr. Kirkland wanted you to adopt?

*A.* I understood they would go even further than that. He said certain members had gone to interview the Government and had been insulted by the Commissioner of Crown Lands, and that any resolution which would give them an excuse to vote against the Government they would support.

*Q.* That those men, who ordinarily supported the Government, would vote for a resolution on the timber policy that would attack the Government?

*A.* Yes.

*Q.* Then you understood that those seven men would vote for this resolution which you had prepared?

*A.* No, I never saw Mr. Kirkland on that resolution, and he did not know what resolution I had prepared.

*Q.* But you supposed that they would vote for this resolution?

*A.* Yes I did not take very much stock in his statement. I heard their names, but I did not think it very likely that they would oppose the Government.

*Q.* But you prepared the resolution?

*A.* The resolution had been prepared and agreed to, attacking the timber policy of the Government long before this talk with Mr. Kirkland, in accordance with our ante-election promises.

*Q.* When was that determined upon?

*A.* Early in the session. I do not know that it was at any formal caucus.

*Q,* I was just going to ask you what caucus, if any, do you recollect that motion was brought before and discussed?

*A.* I think the caucus I have referred to in detail must have been pretty well on in the middle of the session, I cannot fix the exact time.

*Q.* As to the Committee of Supply, what I did suggest was this, that although the Government had the opportunity of taking the House into Supply when it pleased, yet ordinarily it was an understanding between the Government and the Opposition when the House should go into Supply?

*A.* That is very often so.

*Q.* And what I did want to get at was whether there was an understanding between yourself and the Attorney-General that this motion should be deferred from day to day, and that upon that there was a deferring of going into Supply?

*A.* I do not recollect that taking place.

*Q.* You do not recollect on Thursday or Friday asking the Attorney-General whether he would go into Supply the next day, and asking it to be deferred, and then on the next day asking again that it should be deferred?

*A.* No, I do not. I recollect this taking place—I asked the Government whether they were going on with their forty years' annuity arrangement, because if they were not, I intended to move on going into Supply, and I understood that every opportunity would be given to the Opposition to formulate any attack on the Government policy.

*Q.* And that gives you the opportunity?

*A.* Of moving when no amendment can be moved.

*Q.* And that is the opportunity ordinarily taken advantage of for moving such resolutions as you desired to move?

*A.* Certainly.

*Q.* What were the papers that you thought Mr. Kirkland should have?

*A.* One was a large plan of a district north of Lake Superior, upon which he had marked with a star the lots for which licenses were granted to Mr. Conway, and the other was a contract unsigned between him and Conway and Thompson for the purchase of that timber limit. It seemed to me extraordinary that such large papers could have been got rid of.

*Q.* Do you know this man Stimson or Lynch?

*A.* I never saw him or heard of him until this matter.

*Q.* You had known Wilkinson, I believe, some time before?

*A.* Yes.

*Q.* How long had you known him?

*A.* I think the first time I met him and made his acquaintance was when he was canvassing for the *West Durham News* five or six years ago. He was starting a paper in in the West Riding of Durham called the *Durham News*, and was getting subscriptions for it.

*Q.* Did you see him in either of the Middlesexes?

*A.* West Middlesex—I saw him there.

*Q.* And he was busily engaged, I believe?

*A.* Yes, he was addressing public meetings in the interest of the Conservative party.

*Q.* You were aware of his having been in other constituencies?

*A.* I was not there myself, but no doubt he was. I know he has been in Muskoka and Algoma.

*Q.* He has been for five or six years an active supporter of the Conservative party?

*A.* He has, and I thought, an honest one.

*Q.* Politically honest, or absolutely honest?

*A.* I won't make that distinction.

*Q.* The resolution seems to cover a good deal of ground?

*A.* We endeavour to cover as much ground as possible in as small a space as possible.

*Q.* What is the meaning of that last phrase, "calculated to retard the development of the mineral resources of the country?"

*A.* That just means this, that if the Government gave to their political supporters timber licenses, it was not in the interest of those developing the mines.

*Q.* And was Mr. Kirkland interested in the mineral resources of the country?

*A.* So I understood.

*Q*- And that would be comforting to him?

*A.* I do not know whether it would or not. It would not have succeeded in changing the policy of the Government, I am afraid.

*Q.* Then it was not thought advisable, as Mr. Broder and Mr. Merrick said, to press this resolution, and as a matter of fact it was not pressed?

*A.* It was not.

*Q.* Will you just allow me to say with what pleasure I have listened to your explanation, and personally I believe your statement to be correct?

*A.* Thank you.

By Mr. CASWELL.—*Q.* In these statements, you say, Mr. Kirkland spoke just as an honourable gentleman would?

*A.* Exactly.

Q. He endeavoured to convert you to his views?

*A.* I would not put it so strongly as that. He just laid his views before me, and wished me if I could to support them.

*Q.* Did he say that supporters of the Government would come over to you?

*A.* No, he did not. On one occasion a remark of this kind was made—he said a prominent supporter of the Government, whose name I shall not mention now, said that if I would move a resolution in the direction that he wished to go, and would follow it up by a temperate speech, I would be surprised to see how many supporters of the Government would vote in favour of it. It struck me, in view of developments, that that was just to catch me in the trap they were endeavouring to lay.

*Q.* In that later interview, when you told him you would not support his views, did you tell him that you were going to introduce some resolution?

*A.* I did not tell him about a resolution, but of course he would infer that. I told him there was a portion of the policy of the Government that we were determined to attack.

*Q*. Did he seem anxious to have a discussion on the matter?

*A*. Oh, yes. He seemed to be a very shrewd business man, but seemed to feel strongly that the policy he urged was in the interest of the country as well as in the interest of the persons engaged in the mineral operations.

*Q*. Then he was anxious to have a discussion?

*A*. Oh, certainly.

ALEXANDER MORRIS, sworn, stated:—

Your Lordship and your Honors, my statement will be a very brief one. I will only speak as to two leading points mentioned by my leader, Mr. Meredith, beside whom I have had the privilege of sitting for the last five years. I preface my remarks by stating that I knew nothing of any attempt, direct or indirect, to influence corruptly any member on the Government side of the House. I would have shrunk from anything of the kind, and as Mr. Meredith has said, when the statement was made in the House, it struck me as I believe it struck every member sitting with me in the Conservative ranks, with astonishment, and with a feeling of pain that it was possible that what is common in the country alongside of us, should ever have found its way into the Legislative Assembly of Ontario. I felt a desire that the matter be probed to the very bottom, and I was a member of the Special Committee on Privileges and Elections, along with Mr. Mowat, Mr. Fraser, Mr. Badgerow, and Mr. Meredith, who were appointed to consider the matter, and advised that it should be probed thoroughly, so that once and forever a stop might be put to such practices. That Committee recommended the course which placed you in the position you occupy to-day, and the unanimous recommendation of these five men was adopted by the General Committee, and subsequently by the House, and ratified by an Act of Parliament. That is all I have to say on that matter. The other point is simply this, that I have to corroborate what my friend Mr. Meredith has stated with regard to his visit to Ottawa. From, I presume, my long services of 23 years in public life, I have enjoyed the confidence of the gentlemen who have worked with us in the House, though I may go further and say that I have been favored with the friendship of many of our opponents. I felt, and I feel it very strongly, that there was great danger in the friction that had arisen between the Province of Ontario and the Dominion of Canada, that there were irritating questions coming before the House and the country, and I felt the danger of the leading Province being placed in that position of antagonism to the Dominion Government, or if you choose, the Dominion Government being in a position of antagonism to the Province. I thought for the good of the country it would be desirable if by any means an understanding could be come to between the two Governments, so as to remove the friction. In that sense I supported the reference to the Privy Council of the Boundary Award. Mr. Meredith discussed the position, and it was agreed that he should go to Ottawa and see if the Dominion Government would meet the Ontario Government half way, and let us have peace in the country. Mr. Meredith went there to my knowledge, and that is all I have to say with regard to that. The question of his going there for the purpose of influencing any member of the House, for the purpose of obtaining the influence of any member of the Dominion House, was not thought of or suggested in any such connection. That is all I have to say on that head. I ask to see this resolution of Mr. Meredith's, because it bears my initials. Mr. Meredith had consulted with me, as he is in the habit of doing on many questions, with regard to our timber policy, and he brought it subsequently, as he has stated, before the meeting of the caucus. He had so fully explained what took place there that I need not go into that question. I may say he informed me that Mr. Kirkland had called upon him. He informed me that Mr. Kirkland had represented that he had purchased a large tract of land, if I recollect aright, and that he found that he had not, as in his own country, acquired the timber with it. I thought he was desirous, if possible, of getting the timber with the land, but he complained that the Government had given the timber to some lumbermen. Mr. Meredith had considered the matter, and he informed me that he had told Mr. Kirkland that he could not adopt his views, that the question was a very large and grave one, and that he was not in a position of moving in the direction of his views. That is all I have to say in regard to that matter. On the morning that I was examined in the Police Court, I stated there what was the fact, that I had never seen Mr. Kirkland until I saw him in the Court room. I was asked if I had ever seen Mr. Wilkinson. I made the same statement in answer to that. I saw him in the Court room ; a gentleman told me that it was Mr. Wilkinson, and then I recollected that I had seen him a year before in the Queen's Hotel. I was asked if I had conferred with and taken the advice of Mr. Wilkinson, Mr. Meek, Mr. Bunting, or Mr. Shields, with regard to the timber policy. I said emphatically not, that it was a matter decided on solely by the Opposition in private caucus, and adopted from the pure and only motive, that we believed it was in the interest of the country. That is all, I think, that I require to state in regard to this matter. I would like simply to state that this resolution is the resolution that was to have been moved, and I identify it as having been approved by me, and it is verified by my signature.

Mr. JOHN SHIELDS here rose and stated that he had been subpœnaed by Mr. Johnston, and asked if he was to be examined.

The CHAIRMAN.—You can make any statement you wish to make.

Mr. SHIELDS.—I am their witness ; they subpœnaed me, and I am prepared to go into the box if they want me. Otherwise the subpœna should be discharged.

The CHAIRMAN.—If no one desires to examine you, we will not detain you any longer.

The Commission adjourned till Thursday, the 2nd of October, at 10 a.m.

# REPORT OF THE COMMISSIONERS

APPOINTED TO INQUIRE INTO AND INVESTIGATE CERTAIN CHARGES OF A

# CONSPIRACY TO CORRUPT

AND OF

# ATTEMPTS TO BIBE

CERTAIN MEMBERS OF THE LEGISLATURE

WITH

THE EVIDENCE TAKEN AND DOCUMENTS.

## PART II.

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# PART II.

# COMMISSION OF INQUIRY.

## IN THE MATTER OF AN INQUIRY INTO CERTAIN ALLEGED ATTEMPTS TO CORRUPT AND BRIBE CERTAIN MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO.

## THE EVIDENCE.

THURSDAY, October 2nd, 1884.

Commission resumed at 10 a.m.

The CHAIRMAN.—Mr. Johnston, I believe there are some telegraph operators to be in attendance this morning; are they here?

Mr. JOHNSTON.—We have seen the telegraph operators, my lord, and we will not produce them.

The CHAIRMAN.—Mr. Meredith, are you ready to go on?

Mr. MEREDITH.—Mr. McCarthy, who was to have taken the brief, is unfortunately detained at the Assizes, and I would ask the Commissioners if they will permit that part of the inquiry to stand till to-morrow. I thought that the other branch would be finally concluded before that one would be taken up, and what, if anything, would be heard from the other side in answer to the charges. I know the great inconvenience to the Commissioners, and I feel that it was most unfortunate that I have to make this application, but under the circumstances the Commissioners will understand I have a great deal of delicacy in taking the case upon myself, and therefore I would ask the indulgence, which would be made up by the expedition which we would gain in the progress of the examination.

Mr. JOHNSTON.—Messrs. Murray & Barwick are solicitors.

Mr. MEREDITH.—Yes.

Mr. JOHNSTON.—Mr. Murray might take the examination.

Mr. MEREDITH—I do not think it would be satisfactory.

The CHAIRMAN.—The absence of counsel is not usually a sufficient reason.

Mr. MEREDITH.—I know it is not, but this is a peculiar case, and of course upon the other side every opportunity has been given, adjournments by request of counsel, and of course I ask it as a matter of indulgence under the peculiar circumstances of the case.

After consultation,

The CHAIRMAN.—Do you know if there is to be any evidence given in behalf of Meek and Kirkland?

Mr. MEREDITH.—That, I am not prepared to say.

The CHAIRMAN.—If there is, we might go on with that part of the examination. It is putting us to a very considerable degree of inconvenience.

Mr. MEREDITH.—I know that; I feel that, and I feel that I ought not to press it upon the Commissioners by asking what I do unless under the peculiar circumstances in which the matter is placed. The Commissioners can well understand how delicate a matter it would be for me to conduct the inquiry myself. I do not want to be forced into that position.

Mr. JOHNSTON.—I will just point out to your lordships, in the absence of Mr. Blake, that all the members of the Government are subpœnaed and ready to-day, and the Attorney-General is very anxious to get away to-morrow night.

Mr. MEREDITH.—I will undertake for his examination to be the first.

The CHAIRMAN.—How long will the examination take, do you suppose?

Mr. MEREDITH.—I should not think that it would take longer than a day or a day and a-half altogether.

The CHAIRMAN.—Of course, if it is going to take longer than that, it would prevent us from closing it until late in the year.

Mr. MEREDITH.—I do not think it will take more than that.

The CHAIRMAN.—Are there any other witnesses to be examined than those of which we have notice here?

Mr. MEREDITH.—Not that I am aware of.

Mr. JOHNSTON.—Mr. Meek may have some.

The CHAIRMAN.—Yes.

Mr. BLAKE.—I understood at the last sittings that opportunities had been given to examine witnesses upon every point except that which was propounded by my learned friend Mr. Meredith, and therefore if there is any misapprehension about that, it will be well to know it to-day, and let that branch of the case, at all events, go on.

The CHAIRMAN.—I do not see anyone here on behalf of Meek or Kirkland.

Mr. BLAKE.—Your lordships will remember that the last day and a-half Mr. Meek was, I may say, not present.

The CHAIRMAN.—No. Mr. Kirkland was represented, but I understood Mr. Caswell to say that he had no evidence.

Mr. BLAKE.—Yes, that was so, and Mr. Meek also; and therefore if there was any misapprehension about that, I should like to have it remedied to-day, and that branch of the case closed, so that we may know what length of time the balance will take. It is a matter of great inconvenience of course to the Commissioners and also to myself, and I want to see what arrangements will be made.

The Chairman.—If Mr. Meek were here, I would close it at once. I would not like to preclude him from any evidence if he desires to examine anyone.

Mr. Blake.—Mr. Caswell is here now. I think Mr. Caswell stated at the close of the last day that there were no witnesses to be examined for Mr. Kirkland.

Mr. Caswell.—I understood that the other charges were to go on this morning, and for that reason I have not had Mr. Kirkland here or any person.

The Chairman.—We called on any one to give evidence last time, and examined all the witnesses who chose to be presented, and I understood him to say that you had no witnesses on behalf of Kirkland.

Mr. Caswell.—That was our intention at that time, and that may be so yet; but, of course, I want to know if all the evidence has been taken against us, first?

Mr. Blake.—Certainly; that was said on the last occasion.

The Chairman.—All the evidence has been taken against you. The case on behalf of the prosecution was closed last time, except in the case of some telegraph operators, and they are not to be examined now, so that the whole case is closed.

Mr. Caswell.—The names of the members of the Government were handed in on our behalf, and I understood that they were to be examined on the other charges, and whatever we had was only a few words and therefore it would not take up time. I understood the detective also would be here in the other case, and therefore I thought all I had to ask was a few words, and therefore it would be no use taking up time twice.

Mr. Blake.—Your Lordships cannot sit after Saturday next, I understand?

The Chairman.—I believe we will have to if there is evidence present, we will go on for two or three days of the following week to get through with it if possible.

Mr. Blake (to Mr. Meredith).—What was your application?

Mr. Meredith.—To allow the matter to stand until to-morrow morning.

Hon. Mr. Mowat.—It would be exceedingly inconvenient for me not to be examined. I have engagements which would probably require me to leave town to-morrow morning. The convenience of this side should be considered as well as the other.

The Chairman.—Mr. Johnston said you were wanting to leave to-morrow night.

Hon. Mr. Mowat.—It is a mistake; it is to-morrow morning.

Mr. Blake.—For my own self, I looked at the list of witnesses, and I gauged my appointments accordingly, and I undertook to leave town at four o'clock on Saturday, and it is utterly impossible to alter my arrangements. If Mr. Meredith says a day and a half would do I am perfectly willing it should stand over till ten o'clock on Friday, but on the strength of that, I have undertaken to be at Belleville on Monday morning for the first case there, and it is almost impossible, at so late a period, to make an alteration in it.

The Chairman.—Mr. Meredith, it seems, has a delicacy in taking the matter himself, and desires it to stand.

Mr. Blake.—That is all very well, and no doubt the Commissioners will lean as much as possible so long as it does not inconvenience the others, but we have had the matter standing for a month. Would Mr. Meredith examine the Attorney-General then?

Mr. Meredith.—I do not want to take any part of the examination myself.

Mr. Blake.—Mr. Barwick, an eminent Q.C., has served the subpoenas, and he, no doubt, is aware of all the matters connected with Mr. Meredith. Would it answer if we adjourned for a couple of hours.

Mr. Meredith.—No; Mr. McCarthy cannot be here till to-morrow morning.

Mr. Blake.—If you could get the Attorney-General examined and let him go.

Mr. Meredith.—Yes, I would like to do that if possible.

Mr. Blake.—You do not like it to the extent of doing it. Making statements, as the Commissioners are aware, is perfectly in order in this matter. Perhaps Mr. Meredith would be content with the statement of the Attorney-General.

The Chairman.—Well, Mr. Meredith, I am very desirous, and we are all very desirous, of accommodating you as much as we can, but in the face of the statement of the Attorney-General that he must go to-morrow morning, and as there is no chance of examining them till late in the year, I think that we must ask you to go on.

Mr. Meredith.—I have just been speaking to Mr. Johnston about that, about the Attorney-General. If the Commissioners would adjourn till two o'clock, I will instruct other counsel.

The Chairman.—Very well; I suppose we will have to grant you that indulgence. I understand you to say there are no other witnesses than those of which we have received notice?

Mr. Meredith.—Not that I have subpœnaed.

Hon. Mr. Fraser.—Before the Commissioners propose to adjourn, I should like to say that I have not yet seen any copy of this charge made against myself and the other three members of the Government. I would like to have some copy of it. I propose to make a remark upon it.

Mr. Johnston here handed Mr. Fraser a copy.

The Chairman.—The charge is contained in the examination that took place the last day.

Hon. Mr. Fraser.—The remark I have to make about it is this: I understand that this is a charge against myself and the other three members of the Government, and it is intended to attempt to make out that we induced persons, that we induced members of the House, to approach the persons who are said to be engaged in this work, for the purpose of inducing them to make corrupt offers, and endeavoring to entrap others. What I think I am entitled to have, and I am speaking for myself, I am entitled to have the names of the persons whom we are said to have sent members to approach. If Mr. Meredith or anybody else makes a charge of this kind, I think he ought to be called upon to say who it is was called upon by members of the House. It would be an extraordinary thing that I should be called upon to answer a vague and indefinite charge of this kind, and I submit therefore, with all due respect to the Commissioners, that the ruling should be that Mr. Meredith, or whoever makes this charge, should give the names. (Reads—" And to endeavour to entrap others.") There is not only the fact that these were said to be actually engaged in the work, that we induced persons to approach them, but we are charged with having endeavoured to entrap others who were not engaged in it. I think we are entitled to know who of those who are said to be engaged in the work we are charged with having endeavoured to induce members to approach, and we are also entitled to know the names of the others, whoever they are.

The Chairman.—For myself I think it is a very reasonable requisition you make. I think it is proper that charges of that kind should not be made in that vague, indefinite manner. You ought to have an opportunity of knowing the persons with whom you have been in collusion and endeavouring to entrap.

Commissioner Senkler.—I think in an inquiry of this kind the charge, or the evidence, cannot be specified with that particularity which it would be in criminal proceedings. If the ends of justice and the duties of the Commissioners would be carried out by allowing any evidence, and giving opportunity of answering any evidence that may be advanced, it might be possible that the parties themselves can only find out by means of the witnesses that they are producing as to the exact directions in which the offers, if any, may have been made.

The Chairman.—We are postponing, in that case, the time when the notice was given to the members of the Government.

Commissioner Scott.—Perhaps Mr. Meredith can give the information now.

Mr. Meredith.—No; I would not without a counsel.

Commissioner Scott.—Could you do it at two o'clock.

Mr. Meredith.—No; counsel would not be here. I was not aware of an application of this kind to be made. The Commissioners received the charge and directed an adjournment for the purpose of hearing it.

Commissioner Scott.—Yes; but the parties against whom the charges are made are now for the first time before us, and we could not anticipate the objection.

Mr. Meredith.—If the Commissioners direct the names to be given, there are reasons why they should not be given, as one of the Commissioners has remarked. If the Commissioners rule, it will be done.

The Chairman.—I think it would enable the Commissioners to investigate the matter better if it were done.

Commissioner Scott.—If there was anything that pointed to the necessity of enlargement, that should be shown.

Mr. Blake.—I suppose the nearest precedent we have in the matter is one of the usual election petitions, and there is no doubt whatever that if there was such a charge as this you would have to give the names and you would have to give the place, and one obvious reason is that there may have been a misunderstanding, a misapprehension, a misstatement, and you are entitled to find the time, the place, and the person, in order to seek for the evidence to answer the charge; and at all these election contests the Judges have insisted on that being given, and if not given, then they have refused to allow that charge to be proceeded with. I do not know why there should be any different ruling here from there, and therefore I submit that the persons being here for the first time, and there being that very obvious reason why the information should be given, and if there be any truth in the charge, not a mere matter of suspicion, but there being any foundation, the circumstances must be known as to the person, the time, and the place, and therefore they should be given, and that is according to the nearest analogy we have—the proceedings in these contests as to the members of the House.

Mr. MEREDITH.—There is just this I would assert. It is apparent on the face of the proceedings, by the declarations of ministers themselves before the House, that they were aware, or were said to be aware, of certain attempts made upon members of the House; that they, knowing of these attempts to be made, sent the persons who were in communication to other persons, with a view, as appears upon the evidence, of getting evidence against them to incriminate them. Now, I say that that being so, and in view of the course that is being taken with regard to the other side of this inquiry, it is not reasonable that it should be circumscribed in the way that had been suggested by my learned friend who has just spoken. The Commissioners will recollect that, in dealing with the evidence adduced by Mr. Blake, the very fullest latitude was given. The names of persons wholly unconnected with this matter, names of persons not even mentioned in the commission, were spoken of and inquiry as to them took place; to what end was Mr. Pope brought here; to what end was Mr. Carling brought here, if it was not to attempt to fasten upon them the responsibility of these alleged attempts? Now, I say it would be a most unreasonable thing, after permitting that course to be taken with regard to those gentlemen, that the hands of those who are now attacking should be tied in the way my learned friend has just spoken of.

Mr. BLAKE.—I would say in answer to my learned friend that he has all the very great advantage during the days that this commission has sat, of having these persons cross-examined, having these matters investigated, and that, therefore, he has such a large amount of light upon the matter as will enable him without any difficulty now to formulate these charges; secondly, that Mr. Pope and these other persons were examined for the purpose of endeavouring to show, as I explained to the Commissioners, not anything against Mr. Pope and the others, but to show that there was an application by these persons to Mr. Pope, and that there was a going together to Ottawa, simply for the purpose of showing a concerted action; and surely the Commissioners are not asked to tie the hands of my learned friend any more than the hands have been tied of those who have been promoting this. The names were given in the commission; the particulars were there set forth as to the mode in which it was sought to be carried out; and we simply ask on our side that what was thought reasonable to be given as information against the accused shall be given to us.

The CHAIRMAN.—There was no objection made to the examination on the other side.

Hon. Mr. FRASER.—There is a simple way of testing this. Suppose I came here and said I wanted to lay an accusation before the Commissioners, and I charged Mr. Meredith with having approached certain persons without naming them, would the Commission think that it was a proper thing that Mr. Meredith should be called upon to answer a general and vague charge of that kind?

The CHAIRMAN.—For myself I think not: I think that names ought to be given.

Hon. Mr. FRASER.—Mr. Meredith admits that he has the information within his own bosom. He says, as to what he attempts to mean by this, so far as the names of persons are concerned, that he could give names, but he declined to give them. I think we ought to know what we are called upon to answer here—whether we are called upon to answer that we induced persons to approach Mr. Meredith himself. That is within the scope of his accusation. He might bring all sorts of testimony here.

After consultation,

The Chairman.—I think we are all agreed, Mr. Meredith, that the names of the persons with whom the members of the Government are supposed to have been colluding, so far as known, ought to be given. If, during the course of the examination, it turns out that others may be required to be named, an opportunity will be given of naming them also, and giving the members of the Government an opportunity of answering the charges.

Mr. Meredith.—Then, as to the time that that notice is to be given, of course I would like to consult counsel about that.

The Chairman.—I suppose that you ought to be in a position to give it now.

Mr. Meredith.—Yes; but I ought not to be put in that position in the absence of counsel, I submit.

The Chairman.—You are going to instruct other counsel, I believe?

Mr. Meredith.—Yes; that was with a view of Mr. Mowat being examined upon that other branch of the case. I could not undertake to deliver any such particulars until to-morrow.

The Chairman.—Can you give particulars to-morrow morning at the opening of the court?

Mr. Meredith.—Yes, I expect I can give particulars.

The Chairman.—Suppose you give particulars to-morrow morning then; and in the afternoon at two o'clock the Attorney-General will attend to be examined. Will you be ready to go on with the examination of any others?

Mr. Meredith.—Not then.

The Chairman.—It is to be regretted very much that our time should be wasted in this way, but on the supposition that the examination will not last more than a day and a-half, I suppose we will be able to get through this week.

Adjourned at 10.30 a.m., till 2 o'clock p.m.

Commission resumed at 2 o'clock p.m.

The Chairman.—Are you ready to go on?

Mr. McMaster, Q.C.—I am ready.

Oliver Mowat, sworn, examined by Mr. McMaster.

Q. Mr. Mowat, you are the Attorney-General of the Province of Ontario?

A. I am.

Q. Do you remember making a statement to the Legislative Assembly on the 18th March last?

A. I do.

Q. In reference to an alleged conspiracy?

A. Yes.

Q. You recognize this as being an official copy of the statement made by you in the Legislature—copy of the Votes and Proceedings of the 17th March?

A. I presume it is; it seems to be.

Q. In submitting that statement to the Legislature, you made some remarks to the House?

A. Yes, a few remarks.

Q. Those remarks were reported in the daily papers on the following day?

A. I think they were.

Q. Now, Mr. Mowat, did you state on the evening of the 17th March to the Legislative Assembly the following words, which are taken from the report of the proceedings as they appeared in the *Globe* newspaper of the 18th March:—"Every approach made to them (meaning the members of the Assembly), every conversation which took place, every step in the negotiations, and every act that was done, was immediately disclosed to one or more members of the Government. Nothing was done without the knowledge of every member of the Government, or without the advice and sanction of one or more of us"?

A. The substance of that I have no doubt I did state.

Q. That, then, is a fairly correct report of that part of your remarks?

A. It is correct except, perhaps, this. Nothing was done without the knowledge of every member of the Government; that would not be correct; but nothing was done without the knowledge of one or more members of the Government.

Q. Well, is the part which says that "nothing was done without the advice and sanction of one or more of us"—is that part correct?

A. Well, so far as I know, I suppose it was correct. That does not mean without my personal advice or sanction, but one or other of the members of the Government.

Q. Then there were some things done in this connection without your personal advice or sanction?

A. Yes, I did not see any of the members on the subject until in fact either the 17th March, the Monday or possibly Saturday. I have no recollection of any of them having any conversation, or being in fact present with any of the members whom it was attempted to bribe, until Monday or possibly the previous Saturday. Whatever conversation I was present at with any of them took place in the Council Chamber, some of my colleagues being there.

Q. Being also present?

A. Yes. I had no conversation, I think, with any of them; indeed, I am quite sure I had not with any members whom it was attempted to bribe, except in the Council Chamber, and in the presence of some of my colleagues.

Q. Had you, previously to the 17th or to the 15th, any conversation with any of your colleagues, members of the Government, upon the subject-matter of this conspiracy?

A. I had.

Q. How long before the 15th March was it that you became aware of the existence of the conspiracy?

A. Well, during the debate on the Address some of my colleagues mentioned that they had become aware that there was an attempt being made to bribe some of our friends in the House.

Q. Was it brought up before the Council Board—mentioned at the Council Board?

A. Well, I dare say it was mentioned in Council; I have not a very distinct recollection of the place where I happened to be when it was mentioned to me first.

Q. At all events, when the members of the Government were present; whether a Council Board or not?

A. Oh, I do not suppose they were all present; no, I have no idea that they were all present.

Q. The rumors that were current, or that became known to you during the debate on the Address, were generally known by all the members of the Government?

A. Well, they can say that for themselves. I have no recollection, at the moment, of conversations except with Mr. Pardee, and perhaps Mr. Hardy on that subject.

Q. At that time?

A. Yes, at that time. My impression is that during the debate on the Address I heard nothing on the subject except from one or other of those two of my colleagues.

Q. The House opened on that date?

A. I don't remember that.

Q. The discussion of the Address lasted about how long?

A. It was a number of days: it was a long debate I know.

Q. You stated in your remarks in the House on the 17th March, as these remarks are reported in the *Globe* newspaper, "I may say we have reason to know that this conspiracy was formed early in the Session, and that it began its work early in the Session?"

A. Yes.

Q. You knew that personally?

A. I knew that in the way I have mentioned; yes, as far as I was concerned; others have known it more precisely than I did.

Q. You also stated, according to the same newspaper, "But the temptations then made wholly failed, and the parties then postponed their efforts in despair of effecting their purpose?"

A. Yes. I believed then, and believe now that that is correct.

Q. You then say, "They were, however, resumed later by the same parties and others with a result which we now know." Is that correct also?

A. Yes, that is correct also, as I believed then aad believe now.

Q. Now, Mr. Mowat, what knowledge had you of who the parties were that were concerned in these operations in the early part of the Session?

A. Well, I have told you what knowledge I have; whatever information I got from some of my colleagues.

Q. What was the extent of your knowledge? Whom were you informed were concerned at that time in the alleged conspiracy?

A. Well, I am afraid I do not remember sufficiently how far I was informed then of the names of the parties; I thlnk Mr. Wilkinson's name was mentioned, but I really cannot at the moment recall which of the others.

Q. Can you say that there was any other name mentioned at that time, the early part of the Session, than the name of Mr. Wilkinson and the name of Mr. McKim ?

A. I don't distinctly recollect even Mr. McKim's name ; my colleagues would be able to tell you all about that with precision, but I am not able to do it.

Q. Speaking for yourself, you can only remember the name of Mr. Wilkinson in connection with it at that period ?

A. With confidence, yes ; of course on the 17th March my recollection on that point would probably have been distinct ; the matter has past my mind since, so that I have not occupied myself with it.

Q. When you first became aware of this alleged conspiracy, in the early part of the Session, were you informed that offers were made to members of the House in the form of bribes ?

A. I think that was the statement.

Q. To which members of the House ?

A. Well, I really am not sure that I could distinguish what members were named then from those that I know were named afterwards ; I cannot now distinguish ; as I said, at the period that I made my speech on the subject the matter was fresh in my mind, but the names have rather passed from me since.

Q. Were you aware that emissaries went from the Government, or professed to go from the Government, to Mr. Bunting and others, with a view to have perfected the offers of bribes that had been made ?

A. I was not aware any emissaries went ; and now that you mention Mr. Bunting's name, I recollect his name was distinctly mentioned on the first occasion as one of those who was concerned in what was going on during the debate on the address ; I recollect that very distinctly.

Q. Are you aware that Mr. McKim went to Mr. Bunting with a request to get a promissory note for $5000 signed as part of the consideration for Mr. McKim deserting his party ?

A. I understood that there was a conversation about his getting a note, that is, that part of the proposal made to him was that he should get a note ; I don't remember the amount.

Q. Are you aware that Mr. McKim was sent to Mr. Bunting on behalf of the Government or any of its members with the request that they should get Mr. Bunting to commit himself to writing by signing a note ?

A. I am not aware ; I am not aware that Mr. McKim was ever sent to anybody for a note, by any member of the Government.

Q. Are you aware that Mr. Lyon was advised by certain members of the Government that if he could get the petition against his return withdrawn, that he had better acquiesce in the proceedings looking toward the bribing of the members of the House ?

A. I am not aware of any such thing.

Q. After you became aware of these suspicious proceedings in the early part of the Session, did you or did the Government employ detectives or agents to ferret out the whole affair ?

A. I did not, and I am not aware that they did.

Q. You are not aware of detectives being paid or in the employ of the Government for the purpose indicated?

A. I don't recollect anything of that kind.

Q. Can you say, Mr. Mowat, that it was not the fact, that it was not true, that detectives were employed on behalf of the Government?

A. Well, I have not the least recollection of anything of that kind, and therefore I don't think it could have occurred; if that had been suggested, though, I would have thought it quite proper that detectives should be employed if there was any probability of their being able thereby to detect or prevent the crime.

Q. Are you aware that Mr. McKim first demanded a certain amount of consideration as the amount of the bribe, and subsequently increased it to a higher price?

A. I am not.

Q. When did the Government determine to take the criminal prosecution against Wilkinson and others—you remember the arrest was on the 17th March?

A. I don't know that there was any particular formal determination of them; I presume we all intended, I know I did, to prosecute any persons whom we could show to have been guilty of the very great crime with which they charged?

Q. You were waiting until the bribery was consummated by the receipt or acceptance of a sum of money?

A. No: the crime, as I understand it, was in the conspiracy to bribe and in the offer to bribe, and the delay, at least one cause of the delay, may have been to obtain some corroborative evidence; without corroborative evidence the matter would have depended, of course, upon the statements of those members whom there was an attempt made to bribe; the guilty parties who were endeavouring to bribe them would no doubt swear that it was all untrue, and it was desirable therefore, in the interests of justice, in this case as in other cases, that any confirmatory evidence should have been secured, if there was any.

Q. I presume that is part of the proceedings that you sanctioned and approved, the completion of the evidence by getting an amount of money offered?

A. I sanctioned the completion of no evidence.

Q. Did you sanction the getting of a sum of money?

A. If it was suggested I don't remember what passed about any sum of money.

Q. You remember that it was communicated to you that certain members of the House were offered sums of money and offices?

A. Yes.

Q. Do you remember whether you said, or whether anyone said with your consent, that they should get a sum of money or get a distinct offer or promise so that it might be proved or more easily provable?

A. I have no doubt they were told, they were advised to accept, after the crime had been committed of attempting to bribe them, of conspiring to bribe them, offering them money; I have no doubt after that they were advised that if any money was offered to them, to accept it and hand it over to the Speaker.

Q. That was your own view?

A. It was my own view, decidedly; I think that was the view which, in my position as Premier and Attorney-General, I should decide upon.

Q. Are you not aware that the mere offer of a sum of money without a delivery of it is an offence against the privileges of the Parliament?

A. No doubt.

Q. For which a person might be imprisoned?

A. No doubt.

Q. You wanted something additional?

A. An offer is of very little consequence unless the offer is proved.

Q. Could not the offer be proved by the parties to whom it was made?

A. Yes, but if on the other hand, those who made the offer should deny it on oath, it would be merely oath against oath. and we know the consequences that would arise in that state of things.

Q. Would it not be an offence under the Criminal Law?

A. I think it would.

Q. In an offence under the Criminal Law, would a defendant be competent to give evidence under oath?

A. That is another matter; I think his oath would probably be received on any proceeding we should take against him in Parliament, which was the first thing we contemplated.

Q. The first thing you actually did was to take the criminal proceedings, in which the defendants could not be heard?

A. Yes, for the arrest of the parties, yes.

Q. Under which the parties could not give their evidence under oath?

A. Yes.

Q. So that in that case it would not be oath against oath; when did you determine to bring this matter to the attention of the House of Assembly on the 17th March? When did you come to that determination, was it on that day or some days previously?

A. It was probably on that day: that is to say, it was on that day that we determined to bring it on that day: of course at an earlier period we determined that it should be brought before the House.

Q. But you waited a convenient opportunity?

A. We waited until the 17th, yes.

Q. St. Patrick's day?

A. Yes.

Q. Why did you wait until the 17th?

A. Well, the reason that we waited no longer I suppose was that the money had actually been paid, so that there was that corroborative evidence in regard to which nobody could have any doubt.

Q. You were then just waiting until the money would be actually paid and the most undoubted proof at hand.

A. The money paid, or other undoubted proof at hand.

Q. Why was the communication not made to the House at three o'clock, when the House met in the afternoon, instead of about nine o'clock at night?

A. I do not remember why that was.

Q Why was the communication not made to the Assembly immediately after recess at eight o'clock instead of at a later stage in the evening?

A. I am not able at the moment to remember.

Q. Do you remember that on that evening after recess a motion was made that the House should go into Committee of Supply?

A. I think so. I know we were in Supply that night.

Q. For a very short time?

A. Well, for some time; I don't remember how long.

Q. Is it true, Mr. Mowat, or is it not, that you delayed making the statement until after the House went into Committee of Supply, in expectation that the Opposition would move an amendment in regard to the Government timber policy?

A. Well, I cannot say at the moment. I know we had been discussing a motion by the Opposition in respect to the timber policy.

Q. And you were expecting it that night, were you not?

A. I think that was one of the nights we expected it.

Q, Is it not a fact, Mr. Mowat, that you delayed making this statement until the Opposition moved that amendment for the purpose of theatrical effect?

A. Not for the purpose of theatrical effect.

Q. Well, for what effect then?

A. Well, because on the whole we deemed that the proper course, I suppose.

Q. Why, now, did you consider that the best time to make the statement to the House, if the honour and dignity of the House were at stake for two months?

A. Well, but you see the money,—this corroborative evidence,—was not in existence until Monday—until that very day.

Q. You had allowed the forenoon, the early session to pass by, and you had waited until an hour or two after the House had met in the evening and went into Committee of Supplies?

A. I think it would have been a very good reason for waiting, because one of the statements made, as communicated to me, was that there was to be such a motion, and if such a motion were made as had been mentioned to us, it would have been further confirmation, so that I think that would have been a very good reason, though I cannot from memory say it was the reason.

Q. You were waiting as a stroke of policy until the Opposition would move an amendment that you expected, in order at that time, as being the most proper time, to bring this matter to the attention of the House?

A. Either they might move it or they might not move it; if they did not move it it would show that what was communicated to us was not correct, and if they did move it it would show that what was communicated to us was correct.

Q. And they did not move the amendment?

A. They did not move the amendment. We had been asked repeatedly to delay going into Supply, it being suggested or intimated that some motion was intended, and we yielded to the request or desire of the other side.

Q. I understand you expected that the Opposition would take a particular course on that occasion in consequence of some communication made to you?

A. Yes.

Q. Now, who made that communication to you?

A. Well, I think I got it altogether from my colleagues who were in communication with those members that the attempt was being made to bribe.

Q. Did you get any communitation from your colleagues that on that particular evening an amendment to going into committee of supply would be moved by the Opposition?

A. I think we thought it likely that such a motion would be made if such a motion was intended to be made at all.

Q. Why did you think it likely? Who told you that?

A. I have told you who communicated it to me, my colleagues, and they will tell you from whom they got it.

Q. Which of your colleagues communicated it to you?

A. Well, it was probably Mr. Pardee.

Q. And it was generally known among your colleagues, I imagine, Mr. Mowat?

A. What was generalls known?

Q. Was it generally known, was it a matter of knowledge among your colleagues, that it was expected that such an amendment would be moved that night?

A. Well, I rather think so: we expected the motion for several nights, or a motion for several nights: that was not the only night that we had expected a motion: I think Mr. Meredith had intimated that he intended to move, although I do not think he intimated what the subject of his motion was going to be.

Q. Mr. Mowat, Mr. McKim, when examined before the Police Magistrate, was asked if it was known that the names of Balfour, Dowling and Lyon were given to Wilkinson as being fit subjects of corruption, he says it was on his opinion that these names were given.

Mr. Blake.—I do not think he says fit subjects of corruption.

Mr. McMaster.—He may not use the words "Fit subjects of corruption," but substantially he does, sir: this is what he says:—"He asked, that is Wilkinson asked, what members of your party are amenable to influence, and you gave him the names of these parties, Dowling, Balfour and Lyon?

A. "Yes.

Q. "Any others?

A. "There were others talked of; he asked me about Badgerow once; I told him that I did not think I could touch him, he was away up above my society, among the lawyers.

Q. "Who else?

A. "He asked me about Laidlaw, and I did not think I could do anything with him, but he thought he could get Goldie to do something; he said that.

Q. "What names did you mention?

A. "I dont remember that I mentioned any but those three that I have given you; at first he thought if I got three, two with myself, and then he thought if I got four, and he put up his fingers indicating them all, bringing them all together, they were all there.

Q. "It was on your opinion that these men were selected as suitable men?

A. "I think so; he told me the ground, that he could use this petition against Mr. Lyon and the petition against Mr. Dowling."

Q. Well, in the evidence that I have read, you notice, Mr. Mowat, that Mr. McKim says that he gave these three names to Mr. Wilkinson as suitable men and men open to influence, to use the exact word; was that done with the knowledge of the Government?

A. I know nothing whatever of that.

Q. You cannot say whether it was with the knowledge of your colleagues or not?

A. I do not think it was.

Q. Can you swear it was not?

A. Well, from the nature of the case it is impossible for me to swear what was in their knowledge or not; I cannot tell; but I never heard anything at all from them to that effect; I never heard any suggestion from them to that effect.

Mr. Blake.—Q. And it was not with your knowledge?

A. And certainly it was not with my knowledge.

Mr. McMaster.—Q. Then Mr. McKim is incorrect when he swore what he did?

A. I do not know; I have no doubt Mr. McKim swore to what he thought was true on that point and every other.

The Chairman.—Q. Who was the third name that he mentioned—Lyon, Dowling, and who else?

Mr. McMaster.—And Balfour, sir.

The Witness.—A. I do not believe that my colleagues made any suggestion to do what he says there that he did.

Q. Mr. McKim swore in his evidence before the Police Magistrate that he went to Dowling, that he explained to him fully that the petition would be withdrawn against him provided he changed his politics, and that Dowling was pleased with the information communicated to him; was that done with a knowledge of the Government?

A. It certainly was not with my knowledge, and I do not believe it was with the knowledge of my colleagues; I never heard of such a thing when these matters were going on.

Q.—Was it done with your approval?

A.—I know nothing about it at all; I would have disapproved of it if the point had been put to me, but no such suggestion was ever made to me.

Q.—I see that Mr. McKim, when he was examined before the Police Magistrate, was asked the following questions and gave the following evidence:—"Did they tell you to carry on your negotiations further—referring to members of the Government, namely, to Mr. Hardy and Mr. Fraser—did they tell you to carry on your negotiations further with Lyon ?

A. "They knew that Lyon was into it.

Q. "At that interview at which you told them that Lyon was mentioned did they tell you to go back and lead Lyon on further ?

A. They told me that they thought if Lyon's protest could be withdrawn he had better go into it."

Q. Was that done with your knowledge and approval ?

A. I never heard of that during these negotiations.

Q. Do you approve of the scheme that is suggested there as being the act of two of your colleagues ?

A. I do not approve of Mr. Lyon joining the Opposition in order to get his petition withdrawn.

Q. That is not the question, sir ; do you approve of the act that is established by Mr. McKim here when he states that two members of your Government advised him to tell Lyon to go into this scheme if he could get the petition withdrawn ?

A. I would not have approved of that.

*Q.* Then I understand, Mr. Mowat, that the only reason that for two months you delayed taking proceedings against the parties that are alleged to have been concerned in this conspiracy, is because you had not the proof either to go before the Committee of the Legislature or before the courts ?

A. The first attempts to bribe, which were made during the debate, came to an end so far as I am aware : those attempts were not resumed for a long time afterwards ; I suppose the two months that you speak of is the whole period of the Session ; during a large part of the Session, so far as I am aware, these attempts were not being made, but no doubt the reason why the statement was not made to the House of those attempts the moment they came to their knowledge was that in the public interest it was deemed desirable that there should be sufficient corroborative proof to establish the guilt of those parties : I do not mean that that was spoken of to myself at all,—I had only a general knowledge of the matter,—but I believe that was the reason, and I approved of that and am quite willing to take my share of the responsibility.

Q. You were quite willing to wait till that corroborative proof could be got ?

A. Yes, I think the interests of justice would have been defeated if that course had not been taken,—the great crime would have gone on unpunished.

Q. Then with your approval these attempts were delayed from early in January till the 17th March, waiting for the corroborative proof ?

A. We did not believe that the bribery would be successful ; the parties that were tempted had frankly disclosed the attempts : we knew then that the bribery would not be completed, but at the same time it ought to be exposed and punished.

Q. Did your Government as frankly tell them to continue the operations ?

A. You will not find that I said that the operations should be continued against the parties ; it was these other parties—these guilty ones—whose operations were in question ; it is they that were operating.

Q. Do you not say this in the statement :—"That divers members of this House so approached, being indignant at the criminal conduct proposed to them, have deemed it to be the fitting course on their part, and the duty to their constituents and the public, acting herein with the advice and approval of members of the Government, to seem for a time to entertain such approaches?"

A. That was correct; they were advised, as I understand it, to seem for a time to countenance the approaches.

Q. With your knowledge?

A. Well, with my knowledge in a very general way.

Q. And your approval?

A. Well, so far as I have knowledge I approve; I cannot just say how much I knew then; I approve thoroughly now, and therefore if I knew as much then as I do now I would have approved then; I think the parties did just as they should do under the circumstances.

Q. Were you informed by your colleagues of everything that was going on about this matter?

A. No, I was not.

Q. Did they keep you in the dark?

A. No, they did not keep me in the dark, but I knew that whatever the members of the Government ought to do was being done by others. Of course I had a great many things to attend to during the Session, and I was very glad to be relieved of anything I could be relieved of, and I had full confidence in my colleagues to do what was right.

Q. You gave them an unlimited power of attorney?

A. There was no power of attorney at all.

Q. You thought they would sufficiently well carry out the business without your taking much interest in it?

A. I had no doubt they would do their duty, and what they did would be done quite as efficiently without my taking part as if I did take part.

Q. Simply giving you general knowledge?

A. Yes. They did give me that general knowledge. No doubt they would have given me all particulars if I had enquired about them.

By Mr. BLAKE.—Q. The charge that is made against you Mr. Attorney-General is this:—"That members of the Government, Messrs. Fraser, Pardee, Hardy, and Mr. Mowat, knowing that attempts were being made to corrupt members of the House, induced members of the House to approach the persons who were said to have been engaged in this work for the purpose of inducing them to make corrupt offers, and to endeavour to entrap others, not engaged in the matter, into similar criminal acts"—is that true?

A. So far as I am concerned, it is utterly false.

Q. Is any part of it true—"knowing that attempts were being made to corrupt members of the House, induced members of the House to approach the persons who were said to have been engaged in this work"—is that first part of it true?

A. So far as I am concerned, it is false.

Q. "And to endeavour to entrap others not engaged in the matter, into the same criminal acts"?

A. It is false.

Q. Therefore, the whole of that charge is, so far as you are concerned, false. Then, as to either of these matters, are you aware that this is true so far as your colleagues or any of them are concerned?

A. No doubt it is not a true charge with regard to any of them.

Q. Was it suggested at any of your meetings that even you should be a party to this, or that any of your colleagues should be a party to any such arrangement?

A. No such suggestion was ever made.

Q. When did you first hear of there being any such suggestion that this was an act of your colleagues or of yourself?

A. Well, I cannot tell the time, but the *Mail* newspaper, I think, said something of that kind, but I dare say it was when it was first said there that I first heard it.

Q. It was one of the counter-blasts of the *Mail* when the conspiracy was going on?

A. Yes.

Q. Not until then did you hear it?

A. Not until then.

Q. The details of these matters were not presented to you?

A. No.

Q. And what alone was your object in allowing matters to continue as they were?

A. In order that the guilty might be exposed and punished.

Q. That was the only object?

A. The only object.

Q. As you have put it, the needed corroborative evidence?

A. Yes.

Q. Then this vote upon the timber policy, that you thought from time to time was to be taken; how did that come to be delayed, are you aware?

A. It was not delayed by us.

Q. From whom did the request for the delay come?

A. No one that I am aware of requested any delay in making that motion; no one from our side.

Q. And how did you think that the vote upon the timber policy might be a matter corroborative of this question of the conspiracy?

A. Well, it would depend; you see these persons who were approached said that the motion on that subject was to be made, and intimated the effect of the motion; well, we thought such a motion would be a very extraordinary one te make, and if it were made it would of course afford very strong corroborative evidence of the conspiracy.

Q. It would have been an item of evidence in showing that the statements made to you were correct; that part of the conspiracy was the motion in regard to the timber policy, which was to affect the then Government of Ontario?

A. Yes.

Q. You have stated that you had some very general information between the 23rd

January and perhaps the 6th February upon this matter; when was it first that it was given to you in greater detail or more particularity?

A. Well, I do not recollect that it was until the morning of the 17th March; then the intention was for me to make the statement that day, and in order to make it it was necessary for me to know the details of which I was not previously in possession, so that my colleagues gave me the details and I wrote the paper which I afterwards, read in the House.

Q. So that it was not till then that you knew the details of these matters—what was going on in particular; you heard just a general statement that some attempts were being made?

A. Yes, and then the additional fact that Mr. Pardee and Mr. Hardy, I think, were at my house on Sunday and they mentioned that the money had been paid; that fact, therefore, I had learned on the Sunday, that was on the 16th March; that that day it had been paid, I think

Q. You also stated that although there was some information given to you in the earlier part of the Session, that the matter had seemed to have passed away after the first week or ten days of the Session?

A. Yes, after the vote on the Address I understood that the parties who had been engaged in the conspiracy up to that time had gone away; they had failed in their object—that the vote, in fact, showed that they had failed in their object; we understood that they expected that a number of our friends who had been elected as supporters would go against us on the Address or one of the motions in amendment to the Address; that, however, failed,—they all stood by us.

Q. You understood that the parties who were engaged in that had gone away, and the matter seemed for a time to have ended?

A. Yes.

Q. When were you aware that the influences were brought again against the Government—how long before the 17th March?

A. Well, I do not know when they commenced, but I think I must have heard of it from my colleagues more than a week before the 17th March.

Q. That is all you know about the matter, and the only statement you desire to make to the Commission?

A. That is all.

By Mr. Caswell.—Q. In your statement to the House you say that among the other persons, Bunting, Wilkinson, Meek, and Kirkland, and Lynch have entered into the conspiracy to accomplish the defeat of the Government; at that time what means had you of knowing that Mr. Kirkland entered into any conspiracy?

A. I have already told you what my means of information were with regard to all these particulars; I got my information from my colleagues.

Q. In these names you have mentioned to-day I do not think you have mentioned Mr. Kirkland's; did you ever hear Mr. Kirkland's name mentioned?

A. By me, you mean?

Q. Yes!

A. The question in which Mr. Bunting's name came in was in reference to the debate on the Address, and at a different period altogether.

Q. When did you hear Mr. Kirkland's name mentioned as joining in any conspiracy?

A. I can't recollect when first.

Q. Would it be on the 17th or quite near it?

A. Oh, it was before the 17th.

Q. Near that time?

A. Well, I don't remember how long it was before the 17th that I was aware that those attempts were being renewed, but I think that I heard Mr. Kirkland's name mentioned as early as I heard any names mentioned on that second occasion.

Q. Did you hear Mr. Kirkland's name mentioned by Mr. Pardee in reference to applying for timber—just in a business way, unconnected altogether with this matter?

A. No, I never heard Mr. Kirkland's name, so far as I remember, connected with any application for timber, until I heard his name mentioned in connection with the conspiracy.

Q. I thought you might have got his name in that way?

A. I don't recollect that I did.

Q. You said here that Lynch is an American citizen; what did you know about Lynch being an American citizen?

A. Well, it is all in the same way; I have told you how I got the information; that embodies what my colleagues understood and informed me in regard to the facts which seemed to be material and proper to make known to the House and the country.

Q. You say that the acts that these supporters of the Government were making were done with the advice and approval of the members of the Government, as Mr. McMaster has referred to?

A. Yes, that is the acts so far as I knew them.

Q. Mr. McKim in his evidence states that he suggested to Kirkland the giving of money; that he thought his services were worth $2,000; was that done by your approval?

A. I don't remember; I don't think I heard anything of that at all until after all these transactions.

Q. He says in his evidence that he was the one who suggested to Kirkland that his services, so far, were worth $2,000; and Kirkland said in answer that he would make another $1,000 on top of it?

A. I think there are probably a good many details which would appear in the evidence that I did not know about; what I did know about is embodied in what I stated in the House.

Q. You do not approve of McKim asking for $2,000 from Kirkland? You did not authorize that to be done?

A. Oh no, I had no conversation with Mr. McKim at all; and nothing was suggested to me, and my approbation was asked about nothing.

Q. In regard to that?

A. Or in regard to anything else, so far as I remember.

Q. Did you order the arrest of Mr. Kirkland?

A. In a sense I suppose I ordered it; I was aware of it; I was a party to his being arrested.

Q. Did you give the instructions to Mr. Murray, the detective?

A. If you mean personally, I did not give them personally to Mr. Murray.

Q. Do you know who did?

A. No, I don't know.

Q. You say that you were a party to his being arrested?

A. I consider myself a party to all the proceedings along with my colleagues; I do not separate myself from them at all; whatever they did I hold myself responsible for with them; I have no doubt they did what was right.

Q. Are you aware what member of the Government did give instructions for his arrest?

A. No, I can't tell you that.

Q. Did you give any instructions as to taking letters from his person?

A. No.

Q. Did you give orders to have letters that had been taken from his person brought to the House of Parliament?

A. I don't think I gave any orders at all on the subject; I think the person who had the letters was subpœnaed to bring whatever he had in his possession to the House.

Q. How was that subpœna issued?

A. I think, if I recollect right, it was an order of the Speaker.

Q. Was it by the direction of the House or by your personal direction?

A. It was not by my personal direction I think; I think not.

Q. You don't know how the subpœna was issued?

A. I do not remember at the moment whether there was an order of the House or not, covering that.

The CHAIRMAN—It was issued by the House, I think, for the purpose of having the papers produced.

Mr. BLAKE—The Speaker explained that fully, I think.

Q. Were you the person that opened the papers when they were brought before the Committee on Privileges and Elections?

A. No.

By Mr. McMASTER.—Mr. Mowat, Mr. Balfour, one of the members of the House, in his sworn evidence before the Police Magistrate, made this statement:—"I had communication with every member of the Government in regard to the matter, informing them what was going on; they said to let those parties go on and see how far they would go;" is that statement correct?

A. Well, I don't know; I have no doubt that it is substantially correct, because Mr. Balfour says it; but I do not myself recollect having had any conversation with Mr. Balfour; of course it is possible I may have had on the Monday, but I have no recollection of it; I know he was in the Council Chamber two or three time on the Monday, and there was something said about the matter.

Q. This statement is that he had communication with you, informing you what was going on, and they said, "let those parties go on and see how far they would go"; that was evidently while it was in progress?

A. Whatever conversation he had was in the Council Chamber with my colleagues present; I don't remember what was said.

Q. You remember Balfour then being present with your colleagues in the Council Chamber in reference to this matter?

A. Yes, on Monday.

Q. Do you remember before then?

A. Well, it is possible that he may have been on Saturday; certainly not earlier than Saturday, but my impression is that it was on Monday.

Q. Did you ever have a conversation with Balfour himself about the matter before the 17th or 15th?

A. I never had any conversation with Mr. Balfour except in the Council Chamber

Q. Did you have any before the 15th or 17th March?

A. I had no conversation with Mr. Balfour anywhere, I think, before the 15th, which was Saturday, and I don't say positively that I had then; my impression is I had not, and it was not till the 17th that I was present at any conversation with Mr. Balfour.

Q. Do you remember, Mr. Mowat, making a communication to the Leader of the Opposition during the Session to the effect that the Parliament Buildings were in danger of being blown up?

A. I do, that is, I informed him that I had got intelligence to that effect from Ottawa.

Q. Blown up by dynamite?

A. Yes.

Q. What time in the Session was that—at the close or at the beginning?

A. My impression is it was about the middle.

Q. Did it never occur to you that it would be the proper thing to inform Mr. Meredith, the Leader of the Opposition in the House, of the attacks upon the honour and dignity of the House and its members?

A. Well, you know, there were some persons who thought that Mr. Meredith was a party to it, but he seems not to have been, and of course if he was it would not have done if he had been informed of it.

Q. What was your own opinion about it?

A. I do not think that I formed an opinion upon it; I was quite startled at the things that were done by other people, and in that state of mind I did not know what might happen.

Q. I see that in your statement to the House you exonerate all the members of the House, therefore you could have, at that time, had no suspicion of Mr. Meredith?

A. I do not think that I thought Mr. Meredith was a party to it.

Q. Why, then, did you not communicate the fact to a gentleman in the prominent position that Mr. Meredith was, as leader of the Opposition, that these attacks upon the honour of the House were being made clandestinely?

A. Well, it was in the interests of Mr. Meredith that these attacks were being made.

Q. You thought so?

A. I know it was; I do not say he was a party to it, but it was in the interest of Mr. Meredith and his party that these attacks were made upon the honour of the House; it was in order that he should take my place, and I should go into his. I was not anxious to hasten that change.

Q. In whose interest was it that parties were sent to the alleged conspirators to egg them on, and give them corroborative proof?

A. No one was sent to the conspirators to egg them on, so far as I am aware of.

Q. Can you swear that such was not the case?

A. Well, of course one ought not to swear to anything beyond one's own knowledge, but I have no doubt my colleagues were not for egging them on; I am quite sure that nothing was suggested to myself.

Q. When Mr. Balfour swears that he had communication with every member of the Government with regard to the matter, informing them what was going on, and they said to let these parties go on and see how far they would go: can you swear in whose interest that was done?

A. In whose interest he was to do that? In the interest of justice and right and the country.

Q. And you considered it then right; your view of right was, that this man should become a party to effecting a crime?

A. By no means. The crime had been committed, the offer had been made to him, the conspiracy had been entered into—there was the crime; my part was to endeavour to expose and punish that crime.

Q. Then, sir, why, when the offer was made, did you not punish the parties?

A. I have told you over and over again; we are trying to punish them now, and your friends are doing the best they can to prevent their being punished.

Q. You stated a short time ago that you considered there was no danger of the Government being affected by these attacks upon the honour of the members?

A. That is, after these members had disclosed the attempts that had been made upon them; that is correct.

Q. Well, now, since you felt so secure as a Government, why did you not communicate the attempts that were being made to bribe to Mr. Meredith, as leader of the Opposition?

A. Well, I think it would have shown that I was utterly unfit for my position as Attorney-General if I had done so.

Q. You are not aware that such is constitutional usage, to communicate important matters of that kind to the leader of the Opposition?

A. If you show me a precedent, a case in which it was done, I will give my best consideration to it. I do not believe there ever was such a case.

Q. I will give you a precedent—you communicated your suspicion that the place would be blown up by dynamite?

A. Yes.

Q. Why did you not communicate your suspicion that the honour of the House might be blown up?

A. I have told you ; Mr. Meredith was just as anxious not to be blown up as I was. I thought it right that the Leader of the Opposition should be aware of this, and there was no reason why he should not be.

Q. Do you consider that the Leader of the Opposition has no interest in the honour of the House and its members?

A. He has an interest in the honour of the House, but he has an interest also to get up to the Treasury benches as soon as possible.

Q. That is your view of it?

A. And the view of the rest of the world, too.

The CHAIRMAN—Mr. Meredith, are you prepared to go on with the examination of further witnesses? You have an able counsel in Mr. McMaster.

Mr. MEREDITH—It was understood. Mr. McMaster has only kindly consented to do this in order to accommodate Mr. Mowat, to allow him to get away.

The CHAIRMAN—Then I suppose it will stand adjourned till to-morrow morning at ten o'clock.

Adjourned at 3.10 p.m. to 10 a.m. to-morrow.

FRIDAY, October 3rd, 1884.

The Commission met at 10 a.m.

ARTHUR STURGIS HARDY, called by Mr. McMaster.

Mr. FRASER.—I understood that an order was made by the Commissioners yesterday that certain particulars were to be given this morning. I desire to have that order complied with.

Mr. McMASTER.—I beg to hand in the particulars. (Exhibit ).

Mr. FRASER.—Then these I understand to be the particulars. The following are the particulars, so far as known : The persons referred to in Mr. Meredith's charge as persons approached by members of the House, at the instance of members of the Government—J. H. Wilkinson, Edward Meek, Christopher W. Bunting, and H. S. Kirkland.

Mr. BLAKE.—The Commissioners will perceive that the charge was, "induced members of the House to approach persons," etc. Now, there is no name of any member of the House mentioned there. "And endeavoured to entrap others who were members of the House also," etc. There is no name of any members of the House given in this other branch of the charge.

The CHAIRMAN.—The examination will be so much limited in that case.

Mr. BLAKE.—Yes.

The witness was then sworn.

Q. You are Provincial Secretary of Ontario?

A. Yes.

Q. When did you first become aware that approaches were made to members of the Legislative Assembly in connection with the matters under investigation?

A. I became aware that one member had been approached a few days after the opening of the session.

Q. That was Mr. McKim?

A. No; Dr. Cascaden.

Q. That was the first information you got?

A. Yes; I think the Doctor's case was the first mentioned to me.

Q. That he was approached by whom?

A. By Mr. Edward Meek.

Q. From whom did you get that information?

A. I had it intimated from some one of the members who was staying at the Rossin House. Whether it was Mr. Awrey, of Wentworth, or Mr. Gibson, of Hamilton, I would not be positive, and I then had it from Dr. Cascaden himself, either the same day or a day or two afterwards.

Q. You saw the Doctor himself?

A. Yes.

Q. Did he communicate to you the nature of the approaches made to him?

A. In a general way.

Q. What did he say?

A. He said, "You have heard, I suppose, of Meek's suggestions or offers to me?" I said I had.

Q. Did you ask him to repeat what they were?

A. No, I didn't; but I asked what he wanted, and he then said he had offered him, I think, a registrarship in the West, and a certain amount of money; what the amount was I do not profess now to remember.

Q. Well, how did you communicate that information to your colleagues at that time?

A. I did very early to some or all of them at that same period, perhaps the same day. Dr. Cascaden said something more than I have mentioned, concluding by saying that, if he had been strong and well, he would have probably slapped Meek in the face.

Q. He didn't tell you that he bade him a kindly good-bye?

A. I don't know as he said that.

Q. He didn't tell him that on the following day he met him and shook hands?

A. I think he was telling me of the two interviews together.

Q. He admitted the cordiality?

A. Well, I am not prepared to say whether he did or not.

Q. You only remember the indignation part?

A. I remember more. I remember what I told you; I remembered as to what he said on that point.

Q. Do you remember that at either of those interviews he had a discussion with you about the shrievalty in the County of Elgin?

A. I don't think we talked on that at that time.

Q. Well, about that time?

A. Whenever it was vacant we had some conversation about it.

Q. The office was vacant at that time?

A. I do not now remember.

Q. Don't you know it was?

A. I do not know whether it was at that time or a little after.

Q. It was about that time?

A. I know it was vacant shortly after that period.

Q. Don't you know that at about that time Cascaden was disaffected and wished a particular friend of his appointed?

A. Not that he was disaffected, but that he wished——

Q. A particular friend appointed?

A. The gentleman that he was recommending for appointment was a Mr. Brown—Dugald Brown, I think.

Q. You know also that the Government were in favour of Mr. Nairn about that time?

A. I don't know that, and I don't think you know it.

Q. I know it from Dr. Cascaden, perhaps?

A. Perhaps so, but I think not, because the Government did not know till they appointed Mr. Brown—that is, the Government as a whole; I do not speak of what particular members may have thought or what their preferences may have been.

Q. Was not Mr. Nairn the Government nominee until Dr. Cascaden suggested and compelled the Government to appoint Brown?

A. The Government had no nominee.

Q. That is, they made no nomination?

A. They had no nominee: you don't know how these things are conducted, Mr. McMaster.

Q. No, I don't; I am asking for information?

A. No, you are telling me, not asking me.

Q. Now, do you swear that Nairn was not the man the Government preferred for Sheriff, and that Cascaden insisted on Brown's appointment just about the time of the interview with you?

A. I cannot associate and do not associate the interview of Cascaden with me with the appointment at all; it had nothing whatever to do with it. I do not think then that the question of appointment was discussed, and after the vacancy for a little time little or nothing was said in order to give everybody an opportunity to apply. That is the usual custom, and it was the custom in that case.

Q. Was not Mr. Nairn at this time the Government favourite for nomination?

A. I say I do not know that the Government had a favourite.

Q. Well, was he their man?

A. He was an applicant, and his name was entertained as an applicant; that is all I can say on that point. The Government personally were all very well inclined towards Mr. Nairn; he had been a member of the House, and so on. That is all I can say and all that there was about it.

Q. Can you say that about this time Cascaden insisted on the appointment of Brown?

A. He never insisted on the appointment of anybody. He named the man he was supporting, but he never insisted upon anybody.

Q. Don't you know that at this time he shook his fist in the face of one of the Ministers and said that Brown must be appointed?

A. The first I heard of it was in the evidence either at the police court or here.

Q. You have unbounded faith in Dr. Cascaden's oath?

A. Yes, I would believe him as quickly as I would you or any man of good standing.

Q. Up to this time had you heard anything about McKim being approached?

A. I heard of McKim's being approached about or some time during the debate on the Address; whether at that time or not I cannot say.

Q. How did you first hear it?

A. I think the first was from Mr. Pardee.

Q. Did Mr. Pardee tell you that McKim had been offered $500?

A. I don't remember what the figures were. But he told me McKim had been offered by Wilkinson a Registrarship in the North-West and a sum of money if he would go to the other side and support them. He told me more details, but that is generally what he told me.

Q. Were any of your colleagues present at the time?

A. I do not know whether there was the first time, but there were at later times.

Q. That fact was generally known to the Government?

A. It was known to the Government I think generally after that time. McKim told it rather as a secret at first and it was so kept for a time.

Q. How soon did that fact become generally known to members of the Government?

A. I think probably during the first week of the debate on the Address. Of course I cannot speak for Mr. Mowat nor for the two Rosses, but for Mr. Fraser, Mr. Pardee and myself, we all knew it during the first week of the debate on the address. If I were speaking of impressions, I think both the Rosses and Mr. Mowat heard it, though perhaps not much in detail.

Q. Did you communicate it, yourself, to Mr. Mowat?

A. I talked it over with Mr. Mowat, and he was probably present when Mr. Pardee told it at an earlier stage, and we talked it with him

Q. Now, did you or did any other member of the Government in your presence give any advice to McKim as to what he should do on receipt of that offer. Did you advise him?

A. I did not myself see McKim to have any talk with him that I now call to mind until, probably, the debate on the Address was over; I do not know that I did. I saw him at a later period when the second attempts were made.

Q. Did Mr. Pardee in your presence give him any advice as to what course to take?

A. Sometime during the Session Mr. Pardee, while the matter was progressing, said to McKim and I think to some others in my presence to let these men go on, and if they offered money to take it and hand it to the Speaker. He said that much, if that is what you mean.

Q. Did he tell Balfour, for instance, or anyone else to go on.

A. I do not know whether I was ever present at a conversation between Mr. Pardee and Mr Balfour.

Q. You cannot remember?

A. I cannot say I was or that I was not. I do not remember Mr. Pardee making that statement to Mr. Balfour.

Q. Were you present when he gave instructions to McKim?

A. I never heard him give instructions to anybody in the matter.

Q. Nor advice?

A. I heard him state what I have said.

Q. What was that?

A. That if they offered money to let them go on: to take it, and place it in the hands of the Speaker, and expose them.

Q. That was the advice?

A. That was what he stated.

Q. Do you swear that he didn't voluntarily tell them to go on and entrap these people?

A. I never heard him state anything more definitely to anybody than I have stated to you on that point, so far as I now call it to mind.

Q. You have a good memory?

A. Fairly good; average.

Q. Do you swear that you never heard him say to McKim to go on and let them play out the game in full and entrap them?

A. I don't know that I ever heard him use those words.

Q. Never heard him use the word "entrap"?

A. Never. I do not think I ever heard him say, "let them play out the game in full." I heard him say as near as possible what I have said, and I cannot put it in any other words—that was, to let them go on, to take the money and give it to the Speaker. I think he said, or I said myself, that that would not be an offence on their part; that they took the money, not intending to be bribed by it.

Q. You were aware that the offer of money or an office to a member of the Legislature was itself an offence against the independence of parliament?

A. Yes.

Q. Did you advise that steps should be taken at this early stage to vindicate the honor of parliament?

A. Yes.

Q. Your advice was not adopted?

A. It was. I advised the same thing as Pardee, with the view to vindicate the honor of parliament and punish these people.

Q. Practically you advised; you were dubious about that word before?

A. I advised it in that sense.

Q. Did you advise that steps should be taken to bring the men whom it was said had offered money, to the bar of the House and have the honor of the House vindicated?

A. I didn't advise it before the money was paid. My own opinion was—

Q. I am asking as a fact; what did you do as a matter of fact?

A. What I advised with my colleagues in talking the matter over with them, I do not know that it was advice, but I expressed my opinion that it was worthy of consideration whether they should not be summoned on the evidence we had.

Q. You knew you had sufficient to bring them to the Bar of the House?

A. Yes; but whether we had sufficient to convict them was an open question. There would be their oath on the one side, against the oath of the men approached on the other. That was the way it was generally put.

Q. At that time, or at some stage before the matter culminated, were you not aware that, not only McKim, but Balfour and Lyon and Dowling, all had communication with Wilkinson?

A. Not until very late in the day was I aware of that. I was aware of Mr. Lyon next after McKim. I was not aware of either Balfour or Dowling until perhaps late in the week, before the 17th of March.

Q. You knew that McKim had been approached early in the session, and Cascaden also.

A. Yes, I was told so, and I had reason to believe it.

Q. You knew that Balfour had also?

A. Not early in the session.

Q. Whom else early in the session did you know had been approached?

A. Well, I do not now call to mind other names—I will not say there were not—than those two as early in the session—Cascaden and McKim. Mr. Lyon, I had never any conversation with in the matter, at all events till after the disclosure.

Q I believe you were at Mr. Mowat's house, or were you there on the 16th of March?

A. Yes, on Sunday, the 16th of March.

Q. What was the object of your visit?

A Mr. Pardee and I went for a walk in the afternoon after dinner. McKim had come in while we were either at lunch or at dinner, I forget which, and had produced $1,000 in $100 bills, which he alleged were paid by Wilkinson. Between three and four we were out for a walk, and we called in to see Mr. Mowat and told him of it.

Q. And there the paper was drafted which was laid before the House the following day?

A. No, that was drafted on Monday.

Q. I suppose you wouldn't work on the Lord's day.

A. Yes, I would in that case or in any good cause.

Q. A very good cause?

A. A very good cause, I think.

Q. But at all events you didn't work?

A. No.

Q. I suppose you had a disussion—mentally you worked?

A. We talked it over.

Q. It was not an accidental meeting, you went there purposely?

A. We went to tell Mr. Mowat the facts.

Q. Did you discuss or talk over all the facts?

A. There never was a time when we talked over all the facts at once. We talked over at different times the salient facts, and we discussed that time the thousand dollars.

Q. Did you discuss what policy should be adopted then?

A. We had discussed on the Saturday the necessity of placing the matter in the hands of the County Attorney, and he had been asked to call and see the Governor. That was alluded to on Sunday, and word was sent to Mr. Fenton.

Q. So Mr. Fenton went there with you?

A. Oh, no, he was not there at Mr. Mowat's. He came down on Monday morning, and himself held interviews with some of the persons.

Q. I notice in the charge submitted to the House there is no reference made to Dowling's visit to Bunting. Why was that omitted from the statement?

A. I do not myself know whether it is in the statement or not. I did not myself prepare the statement, and therefore am not in a position to say why it was omitted. Probably it was an accident, or probably from want of full information, I cannot say which.

Q. Are you aware that an amendment was made to one of the Election Acts, providing for the relief of Dr. Dowling from any disability from which he might suffer by reason of certain alleged disqualification connected with the previous election?

A. There was an amendment made which looked in that direction.

Q. Did you draw it?

A. No.

Q. Who drew it?

A. The Attorney-General.

Q. It was moved by Mr. Harcourt?

A. Yes.

Q. Do you know that Mr. Balfour kept a diary purporting to give a statement of his meetings with the alleged conspirators?

A. Balfour read to me, I think, on the Saturday, certain interviews which he had with Wilkinson, from what I supposed was a diary.

Q. A little memorandum book?

A. Yes.

Q. Do you know at whose instance he kept it?

A. So far as I know at his own only.

Q. Do you know if anyone suggested that he should keep it?

A. I do not know, but I do not think so. So far as I know, no one did.

Q. I see that Mr. McKim, in his evidence before the Police Magistrate, was asked:

Q. "Did they (referring to yourself and Mr. Fraser) tell you to carry on your negotiation further with Lyon?

A. "They knew that Lyon was into it."

Q. Did you know that Lyon was into the alleged conspiracy?

A. I heard that Lyon was to be one of those whom they were to pay money to.

Q. You had been told that?

A. I was told that.

Q. By whom?

A. By McKim.

Q. At what stage?

A. I think not until the second stage, but McKim was ill for a good while between the two periods. I did not see anything of him for a time.

Q. What was it then that was to be given to Lyon?

A. I never heard any particulars about Lyon beyond that I heard they were talking to him about withdrawing his protest and giving him some money—one or the other or both.

Q. Which was it, withdrawing the petition or giving him money?

A. Withdrawing the petition was one. Whether they were to give money in addition or not I do not know, and I could not name the sum if they were. I think there was money, that is all I could say.

Q. You are not sure about the money?

A. No, I am not definite.

Q. Before the Police Magistrate, McKim was further asked:

Q. "At that interview at which you told them that Lyon was mentioned, did they tell you to go back and lead Lyon on further?

A. "They told me that they thought if Lyon's protest could be withdrawn he had better go into it."

Q. Did you tell that to McKim?

A. Does that refer to Fraser and me?

Q. Yes.

A. I say I have no recollection of telling him that if Lyon's petition could be withdrawn he had better go in.

Q. You swear to no recollection?

A. I do not say I swear to no recollection; I swear I have no recollection of using those words. I tell you as a matter of fact we knew the proposition was to withdraw the petition. I certainly did not discourage Mr. Lyon from going on. As far as I was concerned I was quite willing that they should go on and probe them to the very depths, to see how far they would go.

Q. You were quite willing that they should go on and draw these men on?

A. Exactly, in that sense.

Q. Mr. Pardee likewise?

A. Mr. Pardee can speak for himself.

Q. But Mr. Pardee was present?

A. Mr. Pardee was not present at these interviews. The conspiracy having been effected, and the offers made, I was quite willing that if these men chose to place proofs in the hands of these men, that they should take them.

Q. Didn't you want to get the petition against Lyon withdrawn?

A. Not in any special sense. I would have been glad to see the petition against Mr Lyon or any supporter of the Government dropped.

Q. Was it not your desire to see it withdrawn that induced you to say to Mr. McKim that if they could get it withdrawn to go into it?

A. No, the motive was not that.

Q. What was the motive?

A. To obtain any tangible evidence they could against these men—any proof of the offence that had been committed. That was the motive. It could have been no object to me to see Mr. Lyon's petition withdrawn if he were to go to the other side for getting it withdrawn.

Q. Did you suggest that a writing should be drawn guaranteeing that the petition should be withdrawn.

A. No; I did not.

Q. Did Mr. Pardee?

A. Not to my knowledge.

Q. Nor Mr. Fraser?

A. Not that I know of.

Q. Have you any knowledge of that?

A. I think it was mentioned as one of the writings that was contemplated to be obtained from Mr. Bunting, to be placed in Mr. Meek's hands or in an envelope.

Q. Did you suggest that?

A. No; one of the men themselves, I think Wilkinson, suggested it.

Q. Who told you that?

A. I think that came from McKim, probably.

Q. Are you sure?

A. No; only from conversations that took place some months ago. I speak generally, from general recollection.

Q. You are aware that Mr. Mowat stated to the House that whatever was done in this affair was done with the knowledge and approval of every member of the Government?

A. I do not think he put it quite so broadly as that. Done by whom, do you mean? I do not think he could state that whatever was done by Wilkinson or Bunting was done with the approval of the Government.

Q. I will give you the exact language: "Every approach made to them, every conversation which took place, every step in the negotiations, and every act that was done, was immediately disclosed to one or more members of the Government. Nothing was done without the knowledge of every member of the Government, or without the advice and sanction of one or more of us."?

A. That refers, I suppose, to what was done by the members of Parliament, Mr. McKim and others.

Q. That is what is reported—is that correct?

A. I apprehend that that is correct. He made that statement or something very near it.

The Chairman.—Mr. Mowat qualified that yesterday somewhat, I think.

Mr. Blake.—But stated that in the main the language was correct.

Witness.—I can say this; that Mr. Mowat had not personal knowledge of all the interviews. I had not myself knowledge of all the interviews, nor were they all reported to me; some of them were, some to others.

Q. Are you aware that Mr. McKim submitted to Mr. Wilkinson the names of Balfour, Dowling and Lyon as members of the House who were amenable to influence?

A. I was not aware of that at that time.

Q. You became aware of it later?

A. I do not know that I did. I think there was some little discussion in that direction. Whether he submitted their names in that sense or in that way, I do not know. If it has been stated in the evidence as published, I have probably read it.

Q. Did you know before the public disclosures that McKim submitted the names of these three men to Wilkinson as amenable to influence?

A. I did not know at that time that he had submitted them in that sense or in that way.

Q. Was it suggested that he should submit these names?

A. Not that I know of—not in my presence.

Q. Did you know through any of your colleagues that he did so?

A. Not that I know of. All I know is that I had heard that Wilkinson had sent for these men, Dowling and Balfour, through McKim, and that McKim introduced them to him.

Q. Did you know at the time that he sent for them?

A. I understood that Wilkinson sent for them, and that McKim introduced them. I did not know the details at the time. Perhaps they detailed it over since that—some of them, or all of them.

Q. Now, did you encourage Balfour to go to Mr. Bunting in order to get him to make a statement as to what he would do?

A. No, I neither encouraged him nor discouraged him. He told me that Mr. Wilkinson had asked him to see Mr. Bunting.

Q. Did you tell him to go?

A. I did not say to go or not to go. I said, "If you go to see Bunting, put in a claim to be a member of the new cabinet." I said, "We know who makes Mr. Meredith's policy, and we would like to know who makes his cabinets."

Q. You said that to Mr. Balfour?

A. Yes.

Q. He did not go?

A. No, I do not think he did.

Q. Did you say to him to go, and not be afraid of him?

A. I do not think I used those words?

Q. Will you swear that you did not use those words?

A. I told him just what I have said.

Q. Will you swear that you did not use those words—that he had better go, and not to be afraid of Bunting, or words to that effect?

A. I will not swear that I said more than the words I have just stated. I would not hesitate, however, to tell him to go and see Bunting.

Q. Well, you will not swear positively that you did not use those words?

A. I won't swear positively that I did not use those words.

Q. At the Police Court Mr. Balfour swore: "The members of the Government, when I mentioned the matter to them, said to see what they would do, not to be afraid, to let them go on and see what they would do." Are you aware that such a statement was made to Mr. Balfour?

A. I think there was something substantially like that—let them go on and see what they would do. I think I said that, and others said that.

Q. Balfour also swore: "I had communication with every member of the Government in regard to the matter, informing them what was going on—"

A. Quite true.

Q. "They said to let these parties go on and see how far they would go. In doing what?

A. "In trying to bribe me as a member."

A. Yes. I told them to go on and see how far they would go, and let them develop their schemes; if money was offered to them to take it and give it to the Speaker.

Mr. Blake—Will you read the next question, Mr. MacMaster?

Mr. McMaster.—Q. "Were you told to go on and let those parties bribe you?

A. "No, I was not told to let them bribe me, because I did not intend they should bribe me."

Q. That was a later consideration?

A. That was our consideration at the time.

Q. Why did you tell him to go and not be afraid?

A. I do not swear that I said that.

Q. Did Dowling complain to you that it was very hard that he had to pay all his election expenses in Renfrew?

A. No.

Q. Did he complain to anyone else in your hearing?

A. No.

Q. Do you remember that he was disaffected on that subject?

A. No, I do not believe he was.

Q. Well, he was a great exception if he was not?

A. No, he was not.

Q. When was it first discussed among the members of the Government that an amendment to the election law should be introduced relieving Mr. Dowling from his difficulties?

A. I think it was discussed as early as the time of his last election. Where the judges differed Mr. Mowat was clearly of the opinion that there was no disqualification. I think all the members of the Government shared that opinion to the fullest extent, and I think it was then suggested that it would be an improper thing if one judge could in that way disqualify a man where two were sitting, and that if there was any doubt about it, legislation should be introduced to remove that doubt.

Q. That Legislation was introduced the last night of the Session?

A. Was it the last night of the Session, I cannot call to mind?

Q. Yes, it was?

A. Whenever it was, the records will show.

Q. Was it not introduced the last night of the Session?

A. It was introduced the night we had the all-night sitting, whenever that was.

Q. Was it the original bill introduced in the House?

A. No, it was not.

Q. It was inserted at a later stage of the Session?

A. Yes.

Q. Was it the last night of the Session?

A. I think it was; no, I think we had a Session the next day, perhaps two Sessions?

Q. Did Mr. Dowling request that that amendment should be inserted?

A. He never made the request to my knowledge. I never had any conversation with Mr. Dowling about it.

Q. And that is all you know?

A. That is all I know. There were two or three other points covered by the same bill, not Dowling alone, but two or three places that were made plain where there were doubts.

Q. You say the unfairness of this matter with regard to Dr. Dowling had been discussed in the early stage of the Session?

A. Both at an early stage of the Session and before Dr. Dowling's election.

Q. Before the Session at all commenced?

A. Yes, before the Session began, at the time of the decisions of the Chief Justice of Common Pleas and Chancery.

Q. It was regarded as a great injustice to Dr. Dowling?

A. It was thought that was not the law, but if so, any question of doubt ought to be removed.

Q. Did the Government then make up their minds?

A. I do not know that the Government made up their minds at any particular period, but they talked about it.

Q. And the sense of their opinion was that there should be legislation relieving Dr. Dowling?

A. That appeared to be the opinion, without stating that they came to any particular conclusion that anything should be done.

Q. Do you know who drew the Election Bill?

A. Mr. Mowat had charge of that.

Q. Did you draw it.

A. I dare say I drew some of the clauses in it.

Q. You told us before that Mr. Mowat drew those clauses with reference to Mr. Dowling?

A. I think he did. I had drawn a clause.

Q. What clause was it you drew?

A. I drew several of the clauses throughout the Bill. I could not say where in the Bill they were.

Q. Were they inserted in the Bill?

A. Some of them were.

Q. Did they relate to the Dowling matter?

A. I drew the clauses relating to the Dowling and the Drury cases. I submitted them to Mr. Mowat; not the ones submitted to the House.

Q. You drew some which the Attorney-General did not adopt?

A. Yes, trial clauses.

Q. You told us that this amendment relieving Dowling was not in the bill as originally introduced?

A. Not as originally introduced. As originally introduced I think the Bill only related to future elections. This clause was one which affected past elections.

Q. I suppose it is a very exceptional thing to put clauses in a Bill which relates to past elections?

A. You find it done very often. I think there was one introduced at Ottawa last Session for Sir Charles Tupper. Sometimes it is done but it is unusual.

Q. Had that reference to an election?

A. Yes, about the forfeiting of his seat, and to save a new election.

Q. I suppose you are aware that a similar Act was introduced by Mr. McKenzie in relation to a seat in Prince Edward Island?

A. I do not remember; I hope there was if it was right.

Q. You stated that Dr. Dowling's case was considered a great grievance; why was it left so long, seeing the Bill was introduced long previous in the Session?

A. I do not know that I am here to go into that question with you.

Q. Do you know?

A. As a matter of fact I have no specific knowledge that I can give you. It was so by the action of the Government in not having the clause framed. It was not framed, I think, perhaps until Monday, not brought up by Mr. Mowat in Council I think till Monday; but I do not know that I should go into what goes on in Council, except with regard to this particular matter, without the consent of the Governor.

Q. The fact then is that it was not introduced until the last night of the Session?

A. We did not discuss any reasons why it was not. We considered the clauses, and when they were ready, Mr. Mowat brought them down. I drew a clause and handed it in before the Bill was introduced.

Q. Which was rejected?

A. Yes.

Q. You discussed with your colleagues that it would be an important matter from a party point of view to entrap Mr. Bunting in this matter?

A. No, we never talked of entrapping Mr. Bunting.

Q. Perhaps that is not the right word, but didn't you discuss that it would be an excellent thing from a party point of view if Mr. Bunting could be mixed up in it?

A. No, not in that sense. We thought it an extraordinary thing that Mr. Bunting should have lent himself to such low work in the interests of his party.

Q. Did you express your desire or wish that Mr. Bunting should be in some way connected with this matter?

A. Not unless Mr. Bunting was a guilty party, certainly not. I have always said, and I say now, that if he was a guilty party, I was anxious that he should suffer the penalty of his guilt, not otherwise.

Q. Before the disclosures were made, did you say to any of your colleagues or emissaries that it would be a very desirable thing if Mr. Bunting could be mixed up in it?

A. No, I did not.

Q. Or words to that effect?

A. No. I say I did not indicate any such views in the sense you indicate.

Q. In what sense then?

A. That if Mr. Bunting had been approaching parties in this base way, that he ought to suffer along with such men as Meek and Wilkinson. But I had no more desire to catch Mr. Bunting any more than Mr. Meredith, or Mr. Morris, or Mr. Meek, or Mr. Wilkinson, unless Mr. Bunting himself had opened the way. If he had, I was anxious to catch him.

Q. I ask as a matter of fact did you say to your colleagues or to any one else that it would be well if we could catch him?

A. No: I have no recollection of having stated it.

Q. Do you swear you did not say anything to that effect?

A. I have said all that I can say. Give me the time, the place, and person, and I will give you particulars.

Q. Will you swear that you did not, in the presence of your colleagues, or other parties who were emissaries to Mr. Bunting on their behalf, say it was most desirable that he should be caught in this matter?

A. I cannot give you any answer more than I have given you unless you give me more particulars.

Mr. McMaster.—I appeal to the Commission.

The Chairman.—The witness says he has given you all he can unless you give him time and place.

Mr. McMaster.—That is where we intend to contradict the witness; he declines to answer unless I give him further particulars.

The Chairman.—He says he cannot answer any such general question as that further, but that if you want further particulars he wants you to give particulars of time and place. It seems to me a reasonable request on the part of the witness.

Mr. McMaster.—But this is such a remarkable statement ——

The Chairman.—But he says he has no recollection of having made it.

Q. Mr. Hardy, I ask you again, will you swear that you did not state either to your colleagues or to persons going to Mr. Bunting from your colleagues, or that you did not hear your colleagues state in your presence to such persons, or yourself, that it would be most desirable in the interests of your party that Mr. Bunting should be mixed up in this matter or be caught?

A. I never stated that.

Q. Did you hear it stated?

A. I never heard that stated which you have stated. Your question is different from what it was before.

Q. Did you hear words to that effect stated?

A. No—not the words which you say.

Q. Substantially?

A. I will not say substantially. Mr. Bunting stood exactly on a par with Wilkinson as one of the persons named, so far as we were concerned. We were just as desirous, if Mr. Bunting was connected with it, that evidence of the fact should be obtained. We had no special feeling with reference to Mr. Bunting any more than Mr. Wilkinson. Mr. Bunting was not a man of any special importance that we should care about him any more than Wilkinson, and we were willing that he should be caught if he was guilty.

Q. You know nothing special of Mr. Bunting?

A. I saw him there every day in the Legislature.

Q. And you had him specially in your mind when you saw him there?

A. My knowledge is what I have heard from McKim and others. When I heard his name mentioned. I thought what he was there for. I had my eye on him after I heard that he was mixed up in the matter.

Q. Have you any special knowledge of any connection of Mr. Bunting's with this matter?

A. I have not said I had. Mr. Bunting sat on the floor of the House every day while the first preliminary attempts went on. When they stopped he went away, and after they began again, he came back there and sat on the floor of the House on Mr. Meredith's right, which he had not done before during the eight or ten years that I have been in Parliament. I saw him there before, but not with that persistent regularity as if he were the eighty-ninth member.

Q. Will you swear that you did not see him there at other times?

A. He was there while the bribing was going on, or the attempts at bribing, during the debate on the Address.

Q. Which is a very interesting period?

A. Yes.

Q. Did you know anything of detectives being employed?

A. There were none until we wanted to arrest the defendants.

Q. There were none put on their tracks before?

A. None at all.

Q. Or to watch Dowling, Balfour and McKim—these men were not used in that way?

A. They were not used in that way or put on their track.

Q. They were not sent to these parties?

A. No, not in that sense, to track them out.

Q. They were not told to go to these parties?

A. No, they were not.

Q. Then Balfour and McKim did not state the truth when they said that the members of the Government told them to let these parties go on with their game?

A. What they were told was to go on and let them develop their scheme.

Q. And not to be afraid?

A. I did not say that. If Mr. Balfour says that, I have no doubt he said what he believed to be correct.

By Mr. Blake.—Q. This is the charge made against you, Mr. Hardy, I will read it and ask you if it is true in whole or in part:—"That members of the Government, Messrs. Fraser, Pardee, Hardy, and Mowat knowing that attempts were being made to corrupt members of the House, induced members of the House to approach persons who were said to have been engaged in this work, for the purpose of inducing them to make corrupt offers and to endeavour to entrap others not engaged in the matter into the same criminal acts."

A. That charge is not true.

Q. In regard to this question of the amendment made to the Election Law, was any opinion of Counsel obtained as to what was the true reading of that Act?

A. Yes, Counsel was consulted, and opinions, I think, were signed by some.

Q. And what was the opinion?

A. The opinion was that Dr. Dowling was not disqualified by that decision.

Q. That is, where the Judges differ?

A. Differed, as they differed there.

Q. Or in other words, that there must be the opinion of two before so grave a thing as disqualification occurred?

A. That was the opinion, and that if that was not the law, the law ought to be made so.

Q. When did you come to the determination that that should be done?

A. I think as soon as the decision was given. We were first of opinion that he was not disqualified, and then it was stated that it was claimed on the other side that he was disqualified.

Q. And the amendment was merely to state what was the intention of the Legislature when the Act was passed?

A. That was understood to be the intention.

Q. The Election Act was brought in late along with some other Acts?

A. I think the Election Law was not introduced until late, and then in an imperfect form—several amendments were added after.

Q. Was this amendment asked by Mr. Dowling, so far as you know?

A. I had no conversation with Mr. Dowling about it. I never knew that Mr. Dowling ever asked the Government to pass such a law. I think he was content with the decision given. I do not think he thought there was any doubt about it.

Q. And had that amendment of the Election Law anything to do with Mr. Dowling and this matter which is at present before the Commissioners?

A. Nothing whatever. Mr. Dowling's action in this matter had no influence with the Government whatever as to introducing that clause.

Q. As to the statements that were made, did you know the details of these approaches until the end, or did you know all the details as they went on?

A. I, myself, did not know all the details in the early part of the Session. I think I never conversed at any length with Mr. McKim until they began the second time. Passing in the hall or the lobbies, I merely asked him if these men were still at work, still renewing their offers, and he would say, "Yes, they are still at it," and that was all I said to him until at a later period.

Q. So it was left to these men to carry out the matter in their own way, the general information as to the proceedings being conveyed to the Government?

A. I thought McKim a match at any time for Meek and Wilkinson.

Q. Then you say there was a break in it—what did you mean by that?

A. Wilkinson, as I learned, left and went away—he got disgusted and said the work had been better done at other places. There was a man named Stephenson, of Georgina, at the Rossin House, I understood, doing the same work at that hotel that Wilkinson was doing at the Walker House. Wilkinson said he had been perfectly disgusted, and left. At the same time Mr. Bunting ceased to come to the House and take any interest in our affairs, and it was thought that the matter had been dropped; that the thing could not be done.

Q. There was a kind of millennial period, and then the animal was unchained again towards the end of the Session?

A. I am not very familiar with that kind of analogy, and I cannot say.

Q. Well, following out your own analogy?

A. Yes, the talk was that the boys had quit their work and gone home, and then, after Mr. Bunting and Mr. Wilkinson had been to Ottawa, they began again almost immediately after. That is the statement of the information we had.

Q. You stated that your own idea was to cause these persons to be brought before the bar of the House?

A. That was an opinion I urged frequently for consideration.

Q. What was the difficulty in the way of bringing them before the bar of the House?

A. The difficulty urged by some was—our information was that Wilkinson said that when they began a matter they intended to put it through—that they would swear it right through, and that McKim might trust himself to them. That seemed to indicate that these persons—Wilkinson himself, at any rate—would perhaps swear that there was no truth in it, and there was not tangible truth if these men denied it on oath, no more than two being present, and so you would just have oath against oath.

Q. That was the objection urged?

A. That is one objection.

Q. That you hadn't sufficient evidence?

A. Yes; that one would say one thing and one another, and that it would be thrown into the region of party politics.

Q. And was the postponement only made because—

A. The postponement was only made so that in case they themselves offered evidence, it should be used.

Q. You were asked about the shrievalty of Elgin. Besides Mr. Cascaden, were there other applicants?

A. Yes; Mr. Black, I believe, was an applicant.

Q. Did anything take place with regard to that shrievalty beyond what takes place when there is a vacancy?

A. So far as I was concerned, nothing. I never had a word of conversation with

Dr. Cascaden, only a friendly conversation as to what we would do with his nominee. He contended that, being the only member from the County supporting the Government, his nominee should be accepted. There never was any dispute about it. On one occasion he said he heard that Mr. Nairn had the nomination, and I told him there was no truth in it.

Q. With regard to Mr. Lyon and his position, what passed between you and him with regard to the withdrawal of his petition?

A. I do not think I ever saw Mr. Lyon until after it was announced in the House. I do not think I had any talk with him on this question up to that. I think I had heard that he had been offered inducements along with Mr. McKim.

By Mr. Caswell.—Q. You have read, I suppose, the evidence of Mr. McKim?

A. I have read part of it in the papers. It was not very fully reported. I have never gone fully through his evidence.

Q. You also remember the resolution introduced by Mr. Mowat in the House—"That divers members of this House so approached, being indignant at the criminal conduct proposed to them, have deemed it to be the fitting course on their part, and a duty to their constituents and the public, acting herein with the advice and approval of members of the Government, to seem for a time to entertain such approaches," and so on. Mr. McKim, in his evidence, states that he told Wilkinson that there was an American who was prepared to pay $3,000 for a vote. Was it with the advice and approval of the Government that he made that statement?

A. Not particularly. I never had any knowledge of his doing it until I saw that particular point brought out in the evidence.

Q. So that you or the members of the Government did not authorize him to say so?

A. I do not think it says so. I think it means in a general sense that, if they were offered money, they were to take it and give it to the Speaker.

Q. Mr. McKim also says he was the first to suggest that his vote was worth a couple of thousand dollars?

A. I dare say Mr. McKim knows what took place between him and Kirkland.

Q. Did you give orders for the arrest of Kirkland?

A. I gave no orders for the arrest of anyone. The thing was placed in the hands of the County Attorney, and he gave the orders—Mr. Irving and the County Attorney.

Q. You know it is unusual to try a man twice for the same crime?

A. It is usual not to try him before the same Court unless the jury disagree, but I do not know that it is the practice not to try a man twice if conviction fails the first time.

Q. What object had the Government in arresting Kirkland and Wilkinson that night?

A. There were two, namely, Wilkinson and Kirkland, who, it was felt, were not men of property, and might leave the country if they heard that these proceedings should be taken, and the Government thought it reasonable to arrest these two; but Bunting and Meek, being residents of the City, it was thought they might be summoned. That was, on conversation with Mr. Fenton and Mr. Irving.

Q. Those papers, you know, were taken from them?

A. They were treated as ordinary offenders—the papers were taken from them and kept in the custody of the sergeant, so I was told. That sergeant was summoned to bring them before the Committee of the House, and they were read there.

Q. Was not that the object of their being arrested—to get those papers?

A. Not at all. No one supposed that they would be carrying incriminating papers around with them.

Q. If you arrested the other two you might have got other papers?

A. I dare say they had plenty of papers that we had no interest in.

Q. You say you urged that these parties should be brought before the bar of the House?

A. I did not say urged. I say I suggested it as an opinion worth considering at an early day—not that I differed from my colleagues after talking the matter over.

Q. Didn't you put the detectives to watch McKim and other supporters of the Government?

A. After the matter became public, we asked detectives to accompeny McKim to see that he should not be attacked. There were threats of violence, and Mr. Meredith had not denounced these men; he only denounced the Government, and we thought it well that these members should be guarded.

Q. Prior to that, you had no detectives watching them?

A. None whatever.

Q. You knew Kirkland—you met him at the Rossin House?

A. I met him at the Rossin House?

Q. And at the Parliament Buildings too?

A. I saw him in the gallery.

Q. You knew what he was here for?

A. Yes; he came to see me once at the Rossin House.

Q. Did he ever make any improper proposals to you?

A. No.

Q. Acted as a gentleman?

A. Yes, in that sense he seemed to be a very fine fellow.

Q. When did you suspect him of being connected with the conspiracy?

A. After the revival.

Q. When did that take place?

A. After the first of March, after Meek and Wilkinson had been to Ottawa.

Q. Had you heard that Kirkland was connected with it?

A. Yes, I had heard, not that he had been connected with these men, but had been making suggestions to people at the Rossin House on an independent footing of his own, and stating that he had spent $32,000 to corrupt legislatures out west, and that he was prepared to spend a large amount of money to get what he wanted during the session here.

Q. Who made the statement to you?

A. Mr. Awrey stated in a general way that Kirkland was saying rash and foolish things. I think Mr. Gibson of Hamilton stated that he had heard of it. Probably the information did not come direct from any person who was offered money.

Q. Who was the person who told you that he had said he had used $32,000 to corrupt a legislature?

A. I looked upon it as a certain amount of brag; whether it was from Mr. Awrey or Mr. Gibson or some others of the men at the hotel I cannot say now with any certainty: perhaps there were twenty or thirty there.

Q. Were the words: that he used that sum, or that sum had been used?

A. I understood it as referring to his own exploit.

Q. But it might not have been that way?

A. I did not attach very much credence to it myself.

By Mr. MEEK. Q. Did Mr. Cascaden ever swear at you during a meeting?

A. I hope he did: I don't remember it, most men will use a little bit of harmless profanity.

Q. Do you recollect?

A. Not on any serious subject.

Q. Did he swear at any member of the Government in your presence?

A. Not that I have any recollection of.

Q. Did he ever shake his fist in your face?

A. No.

Q Were you present when he did it in Mr. Pardee's face.

A. No.

Q. Did you know he had done so?

A. I heard it for the first time stated in the Police Court.

Q. Do you recollect his swearing with you?

A. No, only some little familiar swearing.

Q. Tell us what he would say to you—what was the expression he would make use of?

A. I don't suppose it would be interesting for you to know. I suppose he may have said, "Well, Hardy, damn you, how are things going on?"

Q. Did he damn you about the shrievalty?

A. Oh, no.

Q. On the occasion when he asked if Nairn had the appointment?

A. No.

Q. Did he damn any other members of the Government?

A. Not to my knowledge—not that I am aware of.

Q. Did he threaten you?

A. The Dr. never threatened me. We have always been on exceedingly friendly terms.

Q. Did he threaten any of the others?

A. Not in my hearing. I was not present at the interview between himself and Mr. Pardee.

Q. How many applicants were there for the Elgin shrievalty?

A. I know of three, Dr. Black, Mr. Nairn and Mr. Dugald Brown.

Q. Did they all come down to Toronto?

A. I remember seeing Dr. Black, but I do not remember seeing the others.

Q. Which received Mr. Cascaden's support?

A. Mr. Brown.

Q. None of the others did?

A. I think he would have been glad to give his support to Mr. Nairn or any of them, if he could, but he said, on considering, he thought Mr. Brown should have it.

Q. Did he say the patronage should not go to East Elgin?

A. He said it ought to go to West Elgin.

Q. That he should have the patronage?

A. Yes, he thought so.

Q. Did he make an oath when he said that?

A. No, I do not think he did. I would not have considered it serious if he had. These little oaths are not thought serious unless they are meant seriously.

Q. When was the appointment made?

A. I cannot tell you without reference to the records.

Q. Towards the beginning of the Session?

A. It was in the early part of the Session that the vacancy occurred.

Q. And the appointment was made before the middle of February, was it not?

A. If that was the case it remained open perhaps two weeks or thereabouts.

By Mr. McMaster.—Q. You said that the opinion of counsel was taken regarding the Dowling matter, whose opinion was taken?

A. Mr. Mowat's, I think, and I think Mr. Bethune, and I think another one.

Q. Mr. Fraser's?

A. Mr. Fraser's I think.

Q. Mr. Dowling's connection with this alleged conspiracy matter intervened between the date of the introduction of the Election Bill and the date of the insertion of the amendment, did it not?

A. It was before the amendment was introduced.

Q. And after the Bill?

A. After the Bill. It was certainly while the Bill was pending in the House.

William Lees, called by Mr. McMaster, and sworn—

Q. You are a member of the Legislative Assembly of Ontario?

A. Yes.

Q. And you attended the last Session of the Legislature?

A. Yes.

Q. Do you remember during the last Session of the Legislature being approached by any member of the House with regard to any matter?

A. Only in one case, I might say, I was approached in any matter that I could say was holding out any inducements.

Q. What stage of the Session were you first approached?

A. The first few days of the Session, I think probably within the third day.

Q. Who was it approached you?

A. It was Mr. Caldwell, the member for North Lanark.

Mr. Blake.—We have no charge of this kind before the Commission.

Mr. McMaster.—I think it is included in the charge. The charge is "induced members of the House to approach persons." What I am endeavoring to prove is that Mr. Caldwell approached Mr. Lees. According to my view, under either branch of the charge Mr. Lees' evidence may be competently offered.

The Chairman.—Probably it might under that charge, but you would require to give particulars of the charges you were going to prove; you did not mention these names at all.

Mr. Blake.—I have no objection, Mr. Lees being here, to this being proceeded with, but I object to any others unless the names are given; I understood that qualification was made just for the purpose of giving us the names and the protection which the Commission thought reasonable.

Q. You say you were approached by Mr. Caldwell—how was the approach made? Did he come to you or did you meet him?

A. In a private conversation in the House after a short session, after the adjournment, he asked me the question, would I like to have a share in a limit in the North-West Territory or the Thunder Bay section of country; I said I certainly would.

Mr. Blake.—Now, it is not pretended that any of the persons against whom these charges are made were present at this conversation. I suppose this cannot by any rules of evidence bind them.

Mr. McMaster.—My intention is to examine Mr. Caldwell.

The Chairman.—If you cannot now establish the connection of the members of the Government with this, you had better examine Mr. Caldwell first.

Mr. McMaster.—I think the practice in election trials might be followed, to establish the corrupt practice before the agency.

The CHAIRMAN.—I think the agency should be established first.

Mr. BLAKE.—The rule is either to commence by establishing the agency or to say, "I undertake to prove that," and then the Court allows the evidence of the corrupt practice to be gone into.

The witness was then caused to stand aside.

W. C. CALDWELL, called by Mr. McMaster, and sworn—

Q. You are a member of the Ontario Legislature?

A. Yes.

Q. And you attended the last session of the Legislature?

A. I did.

Q. Do you remember having any conversation with Mr. Lees, the last witness, a member of the Legislature, with regard to the patronage of his county, or with regard to timber limits?

A. I do not remember any special conversation; I recollect that Mr. Lees was what he called a third party man; he was talking frequently about establishing a third party; I took it as a joke; I told him, probably it would be better if he were looking after a limit; I may have spoken to him in that way, as a joke; when I spoke of the patronage of his county, I said, wouldn't it be better to support the Government and have that; but I said that simply as a joke.

Q. You know Mr. Lees is an independent member?

A. I know he ran as an independent, but I know he is a Conservative supporter of Mr. Meredith.

Q. I understand you made the statement about a timber limit and patronage, but only as a joke?

A. Yes, simply in the way I speak of.

Q. What did Mr. Lees say in reply?

A. I cannot recollect.

Q. Did his reply seem to be in jest or in earnest?

A. I thought nothing of it—I do not recollect.

Q. When did you have this conversation with him—during the debate on the Address?

A. I cannot tell you that. It was during the session.

Q. Did you go over to his seat in the House in order to have the conversation?

A. No, I did not. I may have spoken with him in his seat, but I did not go for that purpose. I used to sit in the seat beside him, and I often went over and spoke to Mr. Lees. We both came from the same county.

Q. You did not occupy the seat at his side in the last session?

A. No, in a previous parliament.

Q. So whatever statement you made you went over to make to him?

A. It must have been if it was there it was made.

Q. Do you swear you did not seriously talk to him about getting a limit and about his getting the patronage of the county, and he had better turn round and support Mr. Mowat?

A. I do.

Q. Do you swear that you did not say that seriously?

A. I do.

Q. Did you have any talk with any members of the Government last session, with reference to Mr. Lees' attitude towards the Government?

A. Not that I recollect.

Q. Try and recollect whether you did?

A. I do not recollect mentioning Mr. Lees' name to any member of the Government. I may have—I do not recollect.

Q. Do you recollect any members of the Government speaking to you about Mr. Lees?

A. No, I do not recollect that.

Q. Times were pretty exciting, were they not, during the debate on the Address?

A. They were.

Q. Can you swear that you did not go to Mr. Lees upon the suggestion of some members or member of the Government about getting his support for the Government?

A. No, I did not. I swear that positively.

Q. Can you swear that at the suggestion of some supporter of the Government you did not go?

A. Certainly I do. I know Mr. Lees too long to know what support he was likely to give in the House. There was no use of my attempting to get Mr. Lees to support the Government. I had no object to go to him in any way.

Q. What was the object of this joke then?

A. As I say, he was talking about getting up a third party in the House. We were often joking about the matter.

Q. Why did you suggest limits to him?

A. Mr. Kirkland was supposed to be after a limit. and I suppose that brought it up.

Q. Were you yourself at that time an applicant for limits?

A. No.

Q. Was anyone on your behalf?

A. No.

Q. Did you have anyone up there surveying limits for you?

A. No.

Q. Shortly after or shortly before?

A. No, never had anyone there at all.

Q. Are you a member of a partnership ?
A. I represent the firm myself.

Q. Had the firm an agent there ?
A. No.

Q. Did you tell Mr. Lees you had a man up surveying a limit ?
A. Not to my knowledge.

Q. Wouldn't you remember that if you had ?
A. I think I would.

Q. Will you swear you did not ?
A. I do not recollect having told him.

Q. Were you required by the subpœna to produce some papers ?
A. Yes.

Q. Have you brought them ?
A. I have not got any papers to bring.

Q. Do you know the firm of Conway & Thompson ?
A. I never heard of them before.

Q. You do not know the members individually ?
A. I would not know them if I saw them.

Q. Was there any application made to the Ontario Government on behalf of any firm in which you were interested ?

A. I never made application for myself or any other firm to the Ontario Government for a timber limit.

Q. Do you know whether application is made for any other firm in which you were interested ?

A. No ; I am not interested in any other firm but my own.

By Mr. Blake —Q. As I understand you the Government had not, or any member or supporter of the Government, anything to do with any talk you had with Mr. Lees ?

A. Nothing at all. It was merely a matter between ourselves, owing to the third party Mr. Lees was talking about.

Mr. McMaster.—If you will permit me, I would like to call for an adjournment till 1 o'clock. I was brought into this place hurriedly, and Mr. McCarthy, who was retained as counsel, has only returned to the city a few minutes ago.

The Chairman.—I would be glad to accommodate you, but we have wasted a great deal of time already. Nearly half a day was lost yesterday, owing to the absence of counsel.

Mr. MacMaster.—I believe an adjournment for an hour would really shorten the proceedings of the Commission.

The Chairman.—We would be glad to grant the adjournment if you can give any good reason for it. We wish to give every reasonable latitude and opportunity for persons either to exculpate themselves or to incriminate others.

Mr. MacMaster.—If I were fully instructed, I would not make such a request to the court.

Mr. Blake.—I think the Commission must really consider this side as well as the other. I protested againt the adjournment yesterday because I wished to go away; and surely Mr. McMaster has shown an intimate and accurate knowledge of the case. Mr. MacMaster was in the case before the Police Court.

Mr. MacMaster.—I was; but the evidence has gone very much out of my mind since, not having had an opportunity of looking at the record since.

Mr. Blake.—Mr. Pardee has also arranged to leave town.

At 11.45 a.m., the Commission adjourned till 1 p.m.

The Commission resumed at 1 o'clock.

T. B. Pardee, called by Mr. McCarthy, and sworn.

Q. Mr. Pardee, it was said that there was some attempt to bribe some members of the Legislative Assembly last session—had you any knowledge of that of your own?

A. Not of my own, except what I was told.

Q. When were you first told anything about it?

A. In the early part of the session, during the time that the debate was going on, on the address.

Q. The House met, I think, on the 23rd of January?

A. Yes.

Q. And how long did the debate on the address last?

A. I think about two weeks, or over two weeks.

Q. Then it was during that period that you first heard about it?

A. Yes.

Q. Can you be more precise than that as to the time?

A. No, I cannot. I cannot say how long after the House met, but it was during the time of the debate on the address.

Q. Whom did you hear that from?

A. I heard it, I think, first from Mr. McKim. I might have heard some one of my colleagues say such a thing was going on first, but the first specific information I got of it was from Mr. McKim.

Q. Can you say whether you did, or did not hear, from one of your colleagues?

A. I cannot. I cannot say whether Mr. McKim first came to me or to one of my colleagues?

Q. What was it McKim informed you?

A. He told me that Wilkinson was at the Walker House, and that he had approached him, offering him bribes to vote against the Government.

Q. Was that all?

A. Well, that is the substance of it, and he told me further what bribes had been offered.

Q. Then he did not merely make the general statement—he went into details?

A. He went into details.

Q. Would you give me the details?

A. He said he had been offered an office in the North-West, and had been offered a certain amount of money.

Q. Can you recollect how much?

A. I cannot. It was a small amount, $300 or $500; I do not recollect.

Q. Just in those words?

A. I cannot say in those words; that was the substance of it.

Q. Was it a particular office in the North-West?

A. It was a registry office, and whether he mentioned Edmonton then or whether he mentioned it afterwards I cannot tell.

Q. Was your interview with McKim a long one?

A. No, not very long.

Q. How long would you say?

A. Oh, well, I could not recollect?

Q. Half an hour?

A. I could not say. It might have been half an hour, it might have been less.

Q. Where was it?

A. It was somewhere in the Parliament Buildings, but I cannot tell you where.

Q. Was that all McKim told you, or did he make any further statement?

A. Whether he made any other statement on that particular occasion, I cannot say.

Q. Then, so far as your memory serves you, he did not then tell you that there had been any attempt to approach any other member?

A. Not at that time.

Q. The statement was the simple one that he himself had been approached and offered an office in the North-West and a small sum of money, or was it both?

A. Yes, both. The first attempt at bribing lasted during the debate on the Address, and he told me about Mr. Bunting, but whether he told me at that time or subsequently during the first two weeks I cannot say. The conversation is all in my mind of what happened during that two weeks.

Q. The only thing in the meantime you can be positive of is that he spoke of himself alone?

A. He was the only one they were attempting to bribe at that time.

Q. What did you say to McKim?

A. I told him to let it go on, let it go on, and see how far they would go.

Q. Did McKim say what answer he made to the approach made to him?

A. No, I do not think he did.

Q. Did you ask him?

A. No, I do not think I did. I gathered that the negotiation was still going on.

Q. And that McKim had not declined it?

A. Yes, I gathered that he was still letting Wilkinson approach him.

Q. Did you express any surprise at that way of meeting the offer of a bribe?

A. No, I did not express surprise at what McKim was doing. I certainly expressed surprise at what Wilkinson was doing.

Q. At the way McKim was receiving these approaches did you express surprise

A. No.

Q. And that was the first you heard of the approaches either through McKim or your colleagues?

A. Yes.

Q. You had heard no rumours of that kind before?

A. No.

Q. Was that the substance of all that was said then, so far as your memory serves you?

A. I cannot tell whether he told me about Wilkinson wanting him to go and see Mr. Bunting or not, at that time.

Q. That happened some time or other, but you cannot say whether it was then or not?

A. That happened some time during the two weeks, but I cannot say whether it was then or not?

Q. Was any other person present at that conversation?

A. No, I think not.

Q. It was a private communication to you then?

A. I think it was.

Q. Was it made under the seal of confidence in any way?

A. I think he was telling me as a member of the Government, he being a supporter of the Government.

Q. He was not telling you as a friend and asking your advice?

A. No, I think he was wanting to let me know as a member of the Government what was being done.

Q. It was not that you should bid a little higher, or anything of that sort?

A. No, I think not.

Q. You are not sure of that?

A. I am sure of it.

Q. It was just pure patriotism—he might have stopped Wilkinson by simply declining the offer.

A. I suppose he might have repelled Wilkinson, and not had any further conversation with him

Q. Neither he adopted that course nor you suggested it?

A. I suggested just what I have told you, to let Wilkinson go on, and see how far he would go.

Q. Did you communicate that to any of your colleagues?

A. Yes.

Q. Which one of them?

A. I do not recollect which one. Mr. Mowat was very little there except during the sittings of the House, and I have no recollection of communicating it to him.

Q. Will you say on your oath that you did not communicate it to him?

A. My best recollection is that I did not just then, simply because it was not convenient to do so.

Q. Did you tell any of your colleagues?

A. Yes.

Q. Which of them?

A. Mr. Fraser and Mr. Hardy, those two at any rate, and the chances are that I mentioned it to the others—the two Rosses—but I have no distinct recollection of it—that attempts at bribery were being made.

Q. But you only heard of one attempt?

A. That attempt at any rate.

Q. When next did you hear anything about it?

A. It went on from day to day for two weeks.

Q. What do you mean by from day to day?

A. McKim came to me from time to time saying that he had seen Wilkinson.

Q. And did he communicate all to you that was going on?

A. Yes, from time to time during those two weeks.

Q. Did that continue to the time the vote was taken on the address?

A. Yes.

Q. Almost daily?

A. I should say almost daily—from time to time, at any rate.

Q. What did he say to you on the next occasion?

A. I cannot particularise, but during the two weeks he told me that Wilkinson had increased the offer from $300 or $500 until it got to a pretty large amount, one or two thousand dollars; and then he began to tell me about the office—that he expressed some dissatisfaction that he could not secure any office; that then Wilkinson told him he had first communicated with Mr. Macpherson about the office, and that he was to get a letter or a telegram, and that he told him afterwards that he had received a letter from Mr.

Macpherson stating that he, Mr. Macpherson, had decided to recommend his appointment for the office; that Wilkinson told him that meant him—McKim; and that Wilkinson told him he had made an arrangement for him—McKim—to see Bunting, and that Bunting would give his note for $5,000 as security that the agreement would be carried out that he should get the office. I am not sure whether the money was to be paid down or not.

Q. Then you heard Mr. Bunting's name some time during that fortnight?

A. Yes.

Q. And frequently?

A. Yes.

Q. But you are not able to tell me in detail what those conversations were?

A. They cover the ground I have mentioned—that McKim was offered a pretty large amount, from one to two thousand dollars; that he was offered this office in Edmonton, that he, Wilkinson, would get the necessary information from Ottawa that would specify him, that he would get the office, and that in addition to that he would get Mr. Bunting's note in security, and that Wilkinson wanted him to go and see Mr. Bunting that it would be carried out.

Q. Why should Wilkinson want McKim to go and see Mr. Bunting?

A. So far as I can recollect from the conversation he thought McKim would have greater confidence in Mr. Bunting than he would in him, Wilkinson.

Q. What I want to know now is, was this increase in the offer of money from three or five hundred dollars up to one or two thousand dollars a gradual increase, like the bidding of an auctioneer?

A. He told me it had got up to one thousand dollars, and he afterwards told me it had got up to two thousand dollars; that is my recollection.

Q. Then McKim was willing to treat, and Wilkinson went on increasing his offers, and the only question was the price he was willing to sell at?

A. He did not give me to understand that; he gave me to understand that he would allow Wilkinson to go as far as he would, but he never intended to accept the bribe and keep it.

Q. But he was only holding himself out to Wilkinson as willing to get a bigger offer?

A. No, he was only seeing how far Wilkinson would go.

Q. Did you ask him what he said to Wilkinson?

A. No, I did not ask him the substance of the conversation at all; he told me what Wilkinson had said.

Q. Did you ask him what he said to Wilkinson?

A. Not so far as I recollect.

Q. And he did not tell you?

A. He may have told me, but any reply he gave me was that he let Wilkinson go on, and was not repelling him.

Q. He was still creeping and giving Wilkinson to understand that he was willing to sell himself?

A. I cannot say that he was, but I suppose so, as he was not repelling it.

Q. Did you give him any further instructions than the first day?

A. No, if you call them instructions; I said, let him go on and see how far he will go?

Q. Did you suggest any means by which he might entrap Wilkinson?

A. No.

Q. You were anxious, of course, that Wilkinson should be entrapped?

A. I was anxious to bring him to justice, believing that he had been guilty of this, and that the advice I was giving would bring him to justice.

Q. By what means did you expect to accomplish that desirable object?

A. I said if he would go on let him go on, and see how far he will go.

Q. But I meant, Mr. Pardee, you are a suggestive man?

A. Not very.

Q. Well, you are supposed to be; did it never occur to you to help McKim to entrap him?

A. No.

Q. Did you give him a hint as to the way he could do it?

A. I gave him no hint as to how to entrap him, but to let him go on; I did not use the word entrap.

Q. Did you at all in any way say to McKim, "Now, you had better do this—you had better go to Bunting," or anything like that?

A. No, he told me he was going to see Mr. Bunting.

Q. What did you say to that?

A. I did not say anything; I was quite satisfied; I thought he was doing what was right.

Q. Did you suggest his so going?

A. No, because there was no necessity; he said he was going to see him on a certain night.

Q. Was all this conversation with you alone, or was the interview in the presence of any of your colleagues?

A. I do not recollect McKim during those two weeks speaking to me while any of my colleagues were present, but I believe during this same time he was going to other of my colleagues.

Q. Then did you ever ask him had he gone to see Bunting?

A. He told me he had been to see Bunting.

Q. During those two weeks?

A. Yes.

Q. Now, are you sure about that?

A. I think I am—during the early part of the Session.

Q. Did he tell you where he had met Bunting?

A. He said he had met him up in the *Mail* building.

Q. Was there anything else during the two weeks that came to your knowledge about any attempt to approach any other member?

A. I cannot tell you whether I was told that Mr. Lyon had a certain offer made to him.

Q. You are not quite sure then whether you had heard that Lyon was offered anything during the first two weeks or not?

A. No.

Q. Had you heard the name of any person else?

A. No.

Q. Had you heard of Mr. Kirkland during the first two weeks?

A. I knew Mr. Kirkland, and I saw him about the building, whether during the first two weeks or not I cannot tell. When I say I saw him, I do not mean that I spoke to him, but I knew him because he had been in the Department.

Q. Well, Kirkland's name was not mentioned by McKim during the first two weeks?

A. Not to the best of my recollection.

Q. And you had not seen Kirkland?

A. Not to speak to him, to my recollection.

Q. And you had no reason to believe that Kirkland was acting?

A. Not in the way of approaching members to bribe them.

Q. Had you come to know during the two weeks that Kirkland was interesting himself about the fate of the Government?

A. No.

Q. Did you know that Kirkland was anxious that the timber policy should be changed?

A. I do not think I heard it during the first two weeks.

Q. Nor before that?

A. No, beyond the fact that he was making application to buy timber and could not get it.

Q. He had bought some land up there?

A. Yes.

Q. And I suppose he represented that he had got the timber as well as the land?

A. I do not know that he represented that. If he did it was untrue.

Q. Then you never heard anything at all about Kirkland or the timber policy during that time?

A. During the first siege, as it is called.

Q. Then the first siege amounted to the attempt to bribe one member, and possibly Mr. Lyon, so far as you have heard?

A. I am not quite sure whether Lyon's name was mentioned then or not.

Q. And this siege consisted of the attempt to bribe one of the Government supporters?

A. No, I will not say that. I supposed Wilkinson was making offers to others, but I did not hear of others.

Q. Did you take any means to see whether he was or not?

A. No.

Q. Did you have any detective to trace his steps or to see what he was doing?

A. No.

Q. And there was nothing to lead you to think that other members were being approached?

A. Not that I recollect. Of course he told me that other members were to be approached, but whether it was during that time or not I cannot say.

Q. There was a considerable lapse between the first and second siege, to adopt your own term?

A. The second attempt was not made for some weeks.

Q. Then there was quite enough, one would think, to enable you to distinguish one from the other; you asked him, I suppose, what he had said to Bunting?

A. He told me what Bunting had said.

Q. Was it arranged between you that he should come and tell you?

A. No, I expected he would come,

Q. And you expected that he would let you know from day to day what was said and done by Wilkinson?

A. Yes, or afterwards by Bunting.

Q. Will you try to recollect on what occasion he told you he had seen Bunting?

A. I recollect a little incident which enables me to say when he went to see Mr. Bunting. The night of the Speaker's dinner he told me he was going to see Bunting that night.

Q. What time of the day did he tell you?

A. I think it was in the evening at seven or eight o'clock.

Q. Was the House sitting at the time?

A. No, the House was not sitting that night.

Q. Was it Saturday?

A. No, it was after the adjournment.

Q. And he told you that night that he had an appointment to see Bunting?

A. Yes.

Q. Did he say where?

A. I think he said in the *Mail* building.

Q. Was any person present at the time he told you that?

A. No.

Q. Was Mr. Fraser present?

A. No, I think not.

Q. What was said at that interview?

A. There was no conversation that I can recollect.

Q. Can you tell the night—the day of the week?

A. No, I cannot.

Q. It was not Saturday night?

A. No, I think not. The Speaker does not usually have his dinners on Saturday night.

Q. Did he communicate with you the next day?

A. I think he did.

Q. What did he say?

A. I think he told me that Mr. Bunting had declined to sign the note, giving some reason, but I cannot recollect the reason, but Mr. Bunting assured him that whatever promise Mr. Wilkinson had made to him would be carried out, that they always kept their promises, or something of that kind.

Q. Anything further?

A. There was a good deal further, but I cannot really recollect. He said he had a long conversation.

Q. Did he detail the conversation to you?

A. Yes, a good deal of it, going over who was to be in the new Government.

Q. There was talk about a new Government at that time?

A. Yes. I think he said who were to be taken into the new Government.

Q. And who did he say?

A. I think all the members of the old Government were to be left out.

Q. And who taken in?

A. Mr. Meredith, Mr. Morris, Mr. Creighton I think from one side, and then I think he said a farmer was to be taken from the other side.

Q. And who was the honest farmer?

A. I cannot recollect; and then there was to be an outside man.

Q. And unfortunately, you cannot think of the Reform side of the Coalition?

A. Yes, I can. I think he said Mr. Harcourt was to be taken it. Whether I heard it at that time, or subsequently, the farmer was to be Mr. Drury. Mr. Bunting was descanting on the follies of party and the necessity of not having so much party.

Q. In fact, he had been reading the *Week?*

A. It was a dissertation?

Q. At all events, he declined to commit himself to signing this note?

A. He refused to sign the note.

Q. How was the Government to be defeated—by one man going over?

A. There were to be others—they had the thing pretty well arranged, Wilkinson said.

Q. Were you not curious to know who the others were?

A. I took it for granted I would know.

Q. Then you were curious to know?

A. Yes, I was curious to know.

Q. But did not inquire?

A. No, because I did not think they had fixed on the men at that time.

Q. How were the Government to be defeated—wasn't it to be on a vote on the Address?

A. Yes, on some vote on the Address.

Q. You are aware, I suppose, that your account of it differs pretty widely from Mr. McKim's.

A. No, I am not aware, because I have not read Mr. McKim's evidence closely.

Q. You had not heard him tell what occurred with Mr. Bunting more than once?

A. I cannot separate the conversations I had with him during the first two weeks and the subsequent one. I think he told me subsequently that he had met Mr. Bunting in the lobby, and that Mr. Bunting had told him that everything would be fulfilled—that he had been to Ottawa, and that everything that was promised would be fulfilled—that is the second time.

Q. But up to the time of the Address there was only one interview you heard of with Mr. Bunting?

A. That was the only one.

Q. And was this conversation with McKim the last conversation that passed between you at that time?

A. I cannot tell which was the last.

Q. Can you add anything more?

A. Whether he said then or not that there were others I do not know, but he told me subsequently their names.

Q. Did the matter drop then after the debate on the Address?

A. It seemed to drop.

Q. Did McKim tell you?

A. He told me that Wilkinson had gone away, that he said the matter had been bungled or something of that kind.

Q. When did you next hear of it?

A. Towards the end of the session.

Q. When was the end of the session?

A. The exposure took place on the 17th of March; we did not sit long after that.

Q. It was before the 17th of March, at all events?

A. Yes.

Q. How long before?

A. I should think it was within the two weeks preceding the 17th of March that the second attempt was made.

Q. Can you come any nearer than that?

A. No, I cannot.

Q. From whom did you first hear of this attempt?

A. I first heard from Mr. McKim that Wilkinson was back renewing his offers.

Q. Did he put it in that way, or did he put it what the offers were?

A. Going over the offers again about the office and about the money.

Q. Well, he could not have been offering Mr. Bunting's security?

A. The second time—I do not recollect.

Q. Did he mention Mr. Bunting at all the second time?

A. I think he told me he had an interview with Mr. Bunting the second time.

Q. We will come to the interview—was he mentioning him at all at first?

A. I cannot say.

Q. You saw McKim first after this renewed attempt—whom did you see next? Did you see McKim the second time, or some one else?

A. I cannot tell whether I saw McKim the second time; he was approached before I saw anyone else who was approached.

Q. I want clearly to understand whether you have any recollection of seeing McKim a second time before you heard of any more attempts to bribe any other member of the House?

A. I think I did. I think I saw McKim two or three times before I heard of anybody else being approached.

Q. Then you saw McKim on two or three different days?

A. I saw him every day, several times.

Q. When you say several times, I suppose you do not mean on the same day?

A. I might have seen him more than once on the same day.

Q. What did you say to McKim?

A. The same as before, not to repel them, but to let them develop their scheme—let them go on and see how far they would go, and if they paid money, to pay it over to the Speaker, which I supposed he intended to do.

Q. And you think he would consider that himself—that he was going to do that?

A. I think he would have done it.

Q. You were not the first person who suggested that he should get the money and pay it over to the Speaker?

A. I cannot say whether I was or not

Q. Do you think you were?

A. I have no opinion about that.

Q. At all events, you acquiesed in that course?

A. Yes.

Q. Up to this time had you taken your colleagues into your confidence so much as to have them present at these interviews with McKim?

A. They were not present. I think Mr. Fraser was present once, and I am not sure but Mr. Hardy was present once or twice, because he was telling us every day—these three members of the Government, Mr. Fraser, Mr. Hardy, and myself.

Q. There was no reason for his approaching you separately?

A. No, none.

Q. And your advice was concurred in as to the course to be taken?

A. Oh, yes.

Q. You had talked that over among yourselves?

A. Oh, we had a good deal of conversation about it. It was a very serious matter.

Q. And you thought that was the best thing to be done?

A. We thought these men who were being approached ——

Q. We are only talking of one man; you thought the best thing was to let this man go on so as to let Bunting and Wilkinson go as far as they could go?

A. Yes.

Q. With what object?

A. With the object of getting corroborative evidence; I thought the corroborative evidence would be the payment of the money—corroborative evidence of the crime of attempting to bribe?

Q. I should have thought that was another offence?

A. I thought it could not be a bribe, because it would not be a bribe unless the party intended to receive it as such.

Q. Did you suggest any other means; it was rather long drawn out, this trying to get Wilkinson to pay the money; did it not occur to you that he ought to be brought to book in a speedier way?

A. No, I made no suggestion at all of that.

Q. To go along chronologically, as I want to go, who was the next man you heard had been approached?

A. I think it was Dowling, but I am not positive whether it was Dowling or Balfour; no, I think it was Lyon.

Q. From whom did you hear about Lyon?

A. I cannot say whether I first heard it from Lyon or McKim; one or the other.

Q. And your memory won't serve you which it was?

A. No, I cannot say.

Q. What is the best of your recollection?

A. The best of my recollection is that McKim told me they were going to withdraw Lyon's protest, if he would vote againt the Government; that Meek had approached Lyon, and offered to withdraw the protest, if he would vote against the Government.

Q. And that you think you heard from McKim?

A. I think I heard it first from McKim.

Q. What did you say to that?

A. I do not recollect that I said anything about it to McKim.

Q. Well, to Lyon; did you speak to Lyon first about it?

A. No, I did not, Lyon spoke to me; when Lyon spoke to me about it, he told me Wilkinson and Meek both had agreed to withdraw the protest against him.

Q. Having heard from McKim that an effort was made to induce Lyon to vote against the Government, what did you do in consequence of that?

A. I did not do anything, for McKim already told me.

Q. Did you communicate it to your colleagues?

A. I do not know whether I did or not; the chances are I did.

Q. I suppose Mr. Mowat knew what was going on before the vote on the Address was taken?

A. I think it was mentioned in his presence.

Q. It was not possible that it could be concealed from him?

A. Yes, it was quite possible.

Q. He was leader of the Government, and do you mean to tell me that there was any doubt in your minds that Mr. Mowat was told?

A. I have no recollection of telling him, but I have no doubt it was talked over in the Council Chamber.

Q. You say that Lyon communicated with you himself?

A. Yes.

Q. What was the interval of time between McKim's telling you and Lyon's coming himself?

A. I cannot tell. It was all within those few days.

Q. Would it be on the same day or the second day?

A. I cannot tell you.

Q. Or a couple of days after?

A. I cannot tell you exactly. One followed the other very closely. My own impression is that the information from McKim came first, and that Lyon's came immediately after.

Q. The same day?

A. I cannot say whether on one day or a couple of days.

Q. What did Lyon say?

A. Lyon said that Meek offered, and that Wilkinson said it would be carried out, that if he would vote against the Government the protest would be withdrawn, or that he, Meek, would withdraw the protest, I cannot tell you which.

Q. Was that all?

A. That was the substance.

Q. Was that mixed up with any statement of his views on the Crown Land policy?

A. No.

Q. Had you known of Lyon's views on the Crown Land policy before that?

A. I had known just before or after that, I cannot say which.

Q. You knew they differed from those of the Government?

A. Yes, on one particular branch.

Q. And had you known of Kirkland being on the scene before that?

A. About that time I heard of Kirkland being on the scene—I think it was just before, but I am not sure.

Q. Had Kirkland, before the vote on the Address, or about the time of the interview, been to see you?

A. I cannot tell.

Q. Had you heard that he was making attempts to induce members to vote against the Government?

A. I heard he was making offers to members for their support.

Q. Was that before the time McKim told you of the offers made to him?

A. I cannot tell.

Q. Did Kirkland prevail on any members of the House to adopt his view, to your knowledge?

A. I cannot say that he did. He got one or two members to come to me and speak to me about it.

Q. Who were they?

A. Mr. Awrey was one. I think Mr. Gibson, of Hamilton, also came to me to speak about it. I think there was one other.

Q. Do you remember a deputation waiting upon you?

A. That was the deputation, if you call it such. There were three or perhaps four together.

Q. Was McKim with them?

A. No.

Q. Was that deputation with reference to Kirkland's position on the timber policy?

A. Yes.

Q. What was Kirkland's position?

A. Kirkland had bought 10,000 acres of mining lands, and he wanted the Government to sell him the timber, and he wanted to get the policy changed so that the mining lands and the timber would be sold together.

Q. The sale to him had been carried out?

A. Yes, in the September previous.

Q. Had he friends representing that when he was buying the lands he was buying the timber?

A. No, he had not.

Q. And what he wanted to do was to buy the timber?

A. What he wanted to do was to buy the land, and to have the policy changed because he wanted to buy more lands.

Q. Where was the land?

A. It was in the Thunder Bay district, somewhere west and north of Prince Arthur's landing.

Q. Now, the only names you mention of those on the deputation are Mr. Awrey and Mr. Gibson; was Mr. Harcourt one?

A. No; it seems to me that Mr. Caldwell was one, but I cannot recollect.

Q. Was Mr. Balfour one of them?

A. No; I cannot recollect.

Q. Will you say he was not?

A. No, I will not.

Q. Was Mr. Graham?

A. No, I will not say he was.

Q. Was Mr. McCraney?

A. I think Mr. McCraney once spoke to me about it, but I do not think he was with that deputation.

Q. Was the interview with that deputation before or after McKim's second communication to you?

A. I cannot say that.

Q. Did these men press pretty strongly Kirkland's views on you?

A. No, they put forth Mr. Kirkland's views, and I told them it was utterly impossible

Q. Were there some words between you and them?

A. No, everything was perfectly friendly.

Q. You did not tell them they were grinding an axe for themselves?

A. No, I did not; I told them it would be a complete reversal of the policy of the Government, and would ruin the country.

Q. Did Mr. Kirkland see you?

A. Mr. Kirkland saw me on the 17th of March; I have no recollection of having any interview with him before the day of the exposure; he first made an application to buy land and timber; that would be about April, 1883; he was told that the patent did not include the right to the pine timber—that he could not sell the timber with the land; he was written to to that effect; then, about September, 1883, he made another application to buy land under the mining law; then he was told that the mining law did not include the pine timber; and after getting his patent for the mining land I am not sure that he did not apply to the Department, not by letter, trying to get the timber.

Q. Was he pressing at any time, when he found that he could not buy the timber with the land, that you should give him an opportunity to buy the timber?

A. He pressed that through these men.

Q. On what account did he want to buy the timber?

A. He wanted me to sell it to him as a Departmental transaction.

Q. Then did he ask for a chance to bid on it?

A. Then I told him there was only one way by which he could buy it; that was by public competition, and that he would have a chance to bid for it the same as others.

Q. Did you tell him it would be sold?

A. I told him the chances were that the Government would soon hold a sale in that section of the country.

Q. Had you power to sell for local purposes?

A. I had power to sell permits to cut timber for local purposes.

Q. When was that power obtained?

A. For other sections of the country it was obtained in 1874; for that section in November, 1882.

Q. Had it been acted on at all?

A. It was, during the fall of 1883.

Q. Commencing with what period?

A. The first application, I think, came from a man named Conway, for a certain number of lots; I think the application was put in as early as April, 1883; the permit, I think was not granted till December, 1883; another to Thomas Marks was granted about the same time.

Q. Was that the only transaction?

*A.* No, there were two or three about the same time to cut timber purely for local purposes, to meet the local demand.

Q. Would Kirkland's application come under that order?

A. No, because he told me he owned large limits on the American side of the Pigeon River.

Q. 10,000 acres of land he had?

A. Yes.

Q. And he represented to you——

A. He represented to me that he had large limits on the American side, and he wanted this timber to take to his mill there; that was what I understood in the Department.

Q. Did he represent that it was for local purposes?

A. No, that he wanted it to take to his mill on the American side.

Q. You said you heard that Kirkland was making offers to the members of the House?

A. Yes.

Q. Did you hear that before this deputation came to you?

A. It was about that time; I think the corrupt offers, if he ever did make them, that I heard of, were after that.

Q. Will you say on your oath they were not before that?

A. I say, to the best of my knowledge, they were after that.

Q. It would be about that time?

A. Yes, about that time, because everything happened within a few days.

Q. Will you swear positively it was not before that?

A. I will not swear positively, but to the best of my recollection it was not.

Q. Whom did you hear that the corrupt offers were made to?

A. I heard that he had offered an amount to Balfour; I heard that he had offered Gibson an amount to speak in favour of his timber resolution; I heard that he had offered McKim an amount to vote for his resolution.

Q. McKim was not on that deputation, was he?

A. No.

Q. Are you sure about that?

A. As sure as I am about anything else.

Q. To whom else did he offer money?

A. I am not quite sure that he did not offer Dowling something.

Q. And Lyon?

A. No, I am not sure whether I heard that he offered Lyon money or not; there were several parties that he offered money to.

Q. Amongst them——?

A. Balfour, McKim, possibly Lyon, and Gibson, and it seems to me there were two or three others, but I cannot recollect the names now.

Q. That you think was subsequent to the interview?

A. I think that was subsequent to these two, three or four gentlemen coming in about it.

Q. That was in consequence of your refusal to change the policy?

A. That is my impression. I heard that he said he could not do anything with the Commissioner, and that he was going to try to buy the Legislature.

Q. He did not offer to buy you?

A. I heard that he was ready to give $20,000, but, of course, he did not make the offer.

Q. Whom did you hear this from, about Kirkland's offers of money?

A. I heard from Balfour himself, and I think from Gibson, and I think I did from Dowling; I have no doubt I heard it from Dowling himself; and I recollect McKim telling me he had offered him money, and saying something to the effect that he did not care what it cost, and that if money only could be had——

Q. You are not quite sure whether you heard from Dowling or not?

A. That is my recollection.

Q. Do you recollect hearing from anybody else——?

A. I heard that he did make some approach to Mr. Awrey, but whether he offered money or not I cannot recollect.

Q. Whom did you hear that from?

A. I think Mr. Awrey spoke to me about it. Whether he offered him money or not I cannot say.

Q. Did he appear to be on intimate terms with any of these men?

A. Several of these men and he were living at the Rossin House, that is all I know about it.

Q. Did it come to your knowledge that he was entertaining them in any way?

A. No.

Q. Then I suppose your policy was the same with regard to Kirkland as it was with regard to Wilkinson—let them go on, and so forth?

A. That is the only policy adopted as to any of these men who were said to be offering bribes.

Q. At that time you understood that Kirkland, if he was doing this, was doing it on his own account, and for his own purposes?

A. No, at that time I understood that he had joined hands with the parties who were making the first attempt: That is what was represented to me.

Q. By whom?

A. By McKim.

Q. But McKim was not the first man who mentioned Kirkland's attempt to bribe?

A. I think it was, and that he had had a talk with Wilkinson about Kirkland.

Q. Did McKim tell you that, before or after Wilkinson had renewed his offers?

A. I cannot tell you whether it was before or after.

Q. Did McKim mention that Kirkland had approached him first, or Wilkinson?

A. I think he told me Wilkinson had approached him first.

Q. And at that time he had not mentioned Kirkland, so far as you can recollect?

A. It appears to me that I not heard of Kirkland being mixed up in this transaction until Wilkinson came the second time.

Q. When you heard that Wilkinson had renewed his offer, had you at that time heard of Kirkland?

A. I do not think I heard of Kirkland offering bribes until Wilkinson had renewed his attempts.

Q. When you first heard of Kirkland's offers, had you heard of them in connection with Wilkinson, or were they independent offers?

A. When I first heard from McKim, he said that Wilkinson had been talking of a Yankee being here; that he and Wilkinson had certain conversations about the American being here, and that they were going to make use of him to assist in carrying out the defeat of the Government.

Q. That he and McKim were?

A. No, Wilkinson and his party.

Q. But McKim was privy to that?

A. He was, inasmuch as he and Wilkinson had been talking about it.

Q. Then the first you heard of Kirkland was the time McKim told you that Wilkinson and his friends were going to make use of the Yankee?

A. That is the first I heard, according to my recollection.

Q. Assuming now that your recollection is right, when did you hear first that Kirkland had offered money?

A. I have told you I heard it about that time.

Q. The next thing you heard was that Kirkland had offered money?

A. Yes, I heard from day to day that Kirkland was offering these men money—he was pretty indiscriminate, I heard, in his offers—that he went and offered men money either to speak or vote—that he was willing to pay money for speaking against the Timber policy.

Q. And did he appear to have converted any of these men?

A. No.

Q. None of these men had adopted his views?

A. None of them, so far as I could judge.

Q. Not Lyon?

A. Lyon said he was in favour of that policy.

Q. Then he made a convert of Mr. Lyon?

A. No; I am inclined to think that was always Lyon's policy.

Q. But he had never announced that policy?

A. Lyon told me at that time that he had always thought that was the correct policy for that part of the country.

Q. So far as you know, you do not recollect that he did speak to you up to that time?

A. No.

Q. Did any one of those men, Awrey or Caldwell, appear to adopt his view?

A. No. After they had spoken to me about it, and I had explained matters, they seemed perfectly satisfied that his policy was wrong.

Q. When they came, hadn t they adopted his views?

A. No; they told me what his views were. When I pointed out what the result would be, they seemed to be satisfied.

Q. When they came first, they seemed to entertain the other view?

A. They had his ideas to represent to me.

Q. Do you mean to say they only came to represent his ideas?

A. And to see if they were correct

Q. They had not adopted them so far as you know?

A. No, so far as I know.

Q. Then, we have got to this stage, when Kirkland appeared on the scene and began to offer money—you heard this from these men; did you hear it from Balfour?

A. Yes, and sometimes from members of the Government. They told me they heard he was doing it.

Q. And were you not in dread that he would succeed in accomplishing the downfall of the Government?

A. Not the slightest—never had any doubt of it.

Q. You never thought any of these men would be bribed?

A. No.

Q. Why did you advise them, then, to keep this thing up?

A. We did not keep it up.

Q. Now, can you be more precise as to the particular conversations in March—can you, for instance, say whether this occasion on which McKim told you that Dowling was approached was before or after Dowling had spoken to you? Give me a history of it as it occurred?

A. I cannot be precise as to days or dates

Q. As to events?

A. Yes. Dowling told me he had seen Wilkinson, that Wilkinson had sent for him, and that he had gone to see him.

Q. This was after you had heard about Kirkland bribing?

A. Yes.

Q. And it was after McKim had communicated to you that Wilkinson had returned the second time?

A. After Wilkinson had returned the second time.

Q. And before McKim had communicated to you about joining forces?

A. Yes; and the first interview between McKim and Wilkinson, as McKim reported it to me—my recollection is that the conversation occurred about Kirkland.

Q. We have got McKim down, at all events, to about the time he told you about Kirkland and Wilkinson joining forces—now, the next time you saw McKim?

A. The next time he told me that Wilkinson was approaching Dowling and offering

Dowling money. Then he told me he was approaching Balfour and was offering Balfour money.

Q. Does your memory enable you to trace these in the order of the events.

A, No, I cannot trace them in the order of the events.

Q. Can you say whether this occasion on which McKim told you that Dowling was approached was before or after Dowling told you?

A. I have no recollection whether I heard it first from McKim or from Dowling.

Q. Can you say this—had you heard about Dowling before you heard about Balfour?

A. I think I heard that Dowling was approached before Balfour. I think I heard it from Dowling himself.

Q. And had you heard from Dowling himself before you heard about Balfour?

A. I am not sure about that, but I think I did, because it all happened within a short time, all happening together, as it were.

Q. Was there anything different from what you have told us took place between you and McKim—about Dowling, for instance, about his communicating—what advice or suggestion did you give?

A. I did not give McKim any advice at all.

Q. Did you ask him how he knew about Wilkinson approaching Dowling?

A. No, I do not think I did.

Q. Did he tell you how he knew?

A. I think he told me Wilkinson had mentioned Balfour's and Dowling's names.

Q Then, all his knowledge about Balfour and Dowling was derived from Wilkinson?

A. I do not say that. I do not recollect that he said whether he got it from the others as well.

Q. The best of your recollection is that McKim told you he got this information from Wilkinson, and you have no recollection that he told you he got it from Balfour or Dowling?

A. I have no particular recollection that he told me where he got it; but he told me he had conversations with Wilkinson, and that Wilkinson and he had been talking over these names, and I am inclined to think these men, Dowling and Balfour, were talking the matter over again.

Q. What did you do on hearing this—did you take any means of approaching Dowling?

A. No.

Q. Or Balfour?

A. No.

Q. And asking whether it was true?

A. No.

Q. Sent no word?

A. No, they came right to me.

Q. Together?

A. No, separately, and told me what had happened.

Q. When?

A. I cannot tell you. About the same time as McKim. All these things were happening about the same time.

Q. Who came first?

A. I think it was Dowling He told me he had seen Wilkinson, and that Wilkinson had offered that the petition against him would be withdrawn; that he would get a certain amount of money for voting against the Government; and then if he resigned his seat afterwards in favour of some other person they wanted to bring into the Government, he would get a certain other amount, I think $2,000, and that Wilkinson wanted him to see Bunting?

Q. That was not the first interview?

A. No.

Q. That was the substance of the interview with Dowling?

A. Yes.

Q. What did you say?

A. I told him the same as I told the others—"let them go on, and if they offer money, take it and hand it over to the Speaker."

Q. Was Mr. Bunting's name mentioned at that interview?

A. I know he was to see Mr. Bunting, but I cannot say whether his name was mentioned on that occasion or not.

Q. Were any of your colleagues present at that interview?

A. I cannot say whether it was that time or not that Mr. Fraser was present.

Q. Did you see Balfour before you saw Dowling again, or did you see Dowling again first?

A. Whether I did or not I cannot say.

Q. Very shortly afterwards Dowling mentioned to you that Wilkinson wanted him to see Bunting?

A. I cannot say whether it was the first time or the second time. He told me Wilkinson wanted him to see Bunting.

Q. Was that the time Mr. Fraser was present?

A. I cannot say whether Mr. Fraser was present or not. I told him I thought if I were he, I would see Bunting.

Q. Did you press him to see Mr. Bunting?

A. No; I said I did not see any objection to his seeing Mr. Bunting.

Q. Did he express reluctance to see Mr. Bunting?

A. I think he did.

Q. Did he argue against it?

A. It did not amount to that. I said if I were he I would go and see Bunting, as Wilkinson was so anxious about it.

Q. On what ground did he put his reluctance?

A. He said if Bunting wanted to see him, let Bunting come and see him.

Q. And of course you understood that if he went to Bunting it would be to go and offer himself?

A. No, I did not understand that. I understood that Wilkinson had made the arrangement with him—whether I understood that from Dowling or whether it was passing through my mind that Wilkinson had made the arrangement to see Bunting at Bunting's request, I do not know. Well, I said to him, I would go and see him, and see what he had to say.

Q. I suppose if he went, he would go for the purpose of receiving whatever Bunting would give him?

A. Who was to open the conversation I cannot say.

Q. He suggested that if Bunting wanted to see him. Bunting should come and see him, and you persuaded him to go and see Bunting?

A. He did go and see Bunting—whether it was through my persuasion or not I will not say.

Q. But he swore you did persuade him?

A. If he swore that, I believe him.

Q. You have no recollection of Mr. Fraser also persuading him to go?

A. No, I do not recollect that Mr. Fraser was present.

Q. It was only on one occasion that you had to argue, then?

A. It was only on one occasion that I had said what I have told you.

Q. What was it that Balfour communicated as to the offer made to him?

A. He communicated to me that he was to get an office in the North West, either a registrarship or a shrievalty at one of three places, either Edmonton, Regina or Calgary, and that he was to get an amount of money, $1,000 or $1,200; or something like that—that Wilkinson offered that, if he would vote against the Government—if he would sign the round robin to vote against the Government.

Q. Was that the first you heard about the round robin?

A. No; I heard it from McKim.

Q. At the beginning of the session?

A. I do not think the round robin came up until the second time.

Q. And did McKim tell you he had signed the round robin?

A. Yes.

Q. And did Balfour say he had signed the round robin?

A. He said he had not.

Q. Did Dowling?

A. He said it had been offered to him, and he had not.

Q. Anybody else?

A. I became aware that Lyon had signed it.

Q. Did you see the round robin?

A. No, I did not.

Q. Did McKim, when he told you about the round robin first, tell you he had signed it?

A. He told me he had signed it.

Q. When he first told you about it, did he tell you then that he had signed it?

A. I cannot tell.

Q. Did he or did he not communicate to you at first that he had been asked to sign the round robin, and that he had not signed it?

A. I cannot say how that is.

Q. Then he may have communicated to you in that way?

A. I cannot say how it was, but that he did sign the round robin he told me.

Q. And that was pledging him, as a man of honor, to vote against the Government?

A. I cannot say what the words were. It was a round robin pledging him to vote against the Government.

Q. You won't say it was as a man of honor?

A. I won't say what the words were.

Q. Did he tell you at the time he signed the round robin that he had received money?

A. I do not know whether he signed at the time he received the money or before. The impression on my mind is that he signed it when he received the money.

Q. When did he receive the money, did he inform you?

A. On Sunday, the 16th of March.

Q. Can you say when it was that you first heard of the round robin—on Sunday, the 16th, or before?

A. I think I heard of it before—that Wilkinson was exhibiting the round robin.

Q. What did you say about the round robin?

A. I did not say anything beyond the fact that I heard there was a round robin.

Q. Did you tell them to go on?

A. I told them to go on and let them develope their schemes, and not repel them.

Q. Did you understand that a member of the House was to pledge himself to vote against the Government without having any thought about it?

A. I never gave any advice about signing the round robin.

Q. You left them to act upon their own suggestion; you had no objection to their signing the round robin so long as they did not intend to carry out their word?

A. I had no recollection of the round robin when I told them to let them go on; I did not care whether they signed it or not.

Q. Going back to Sunday, the 16th, how many days before that did you hear from Balfour that he had been approached?

A. It would be only a few days before that that I heard that Balfour had been approached.

Q. Did Balfour communicate with you on the first occasion on which he had been asked to sign the round robin?

A. I cannot say whether it was the first time or not, but he said that Wilkinson wanted him to sign it.

Q. Was it Wilkinson or Kirkland that wanted him to sign it?

A. Wilkinson.

Q. Not Kirkland?

A. No.

Q. Did Balfour say whether he would or not?

A. Balfour said he would not.

Q. Did Balfour mention Mr. Bunting's name or not?

A. He said that Wilkinson wanted him to go and see Mr. Bunting, but he would not go.

Q. What did you say?

A. I do not recollect saying anything.

Q. Didn't you try to persuade Balfour to go?

A. I have no recollection of trying.

Q. Will you say, on your oath, that you did not?

A. No, I will not; but I do not think I did.

Q. Will you swear that you did not?

A. No, I will not.

Q. Have you any impression about it?

A. Well, I am not sure—I have no impression about it beyond this, that it would be a natural thing for me to say.

Q. Did you try to persuade him?

A. No, I have no recollection of that, and I do not think I did

Q. If he swore that you tried to persuade him to go, what would you say?

A. If he swore that I strongly urged him, I would say that I thought he was mistaken.

Q. Not strongly urged him; I didn't put it as strong as that. Now, as I put the question to you, what do you say?

A. I say that my impression is that I didn't urge him in that sense, but I really cannot recollect what I did say.

Q. Do you remember his stating that he didn't want to be running to the *Mail* building about this matter!

A. I do not recollect these words, but I remember his declining to see Bunting—saying he would not go and see Bunting.

Q. Somebody wanted him to go?

A. Wilkinson wanted him to go.

Q. Didn't you?

A. No, he said that Wilkinson wanted him to see Bunting, and in the same conversation he said he would not go and see him.

Q. Did you then endeavor to pursuade him?

A. I really don't know whether I said to him as I did to Dowling or not.

Q. What is your impression?

A. I have no impression about it.

Q. Was Balfour actually bribed; did he receive any money?

A. Not bribed—he received money.

Q. When did he receive the money?

A. On the 17th.

Q. As you understand?

A. As he told me; I am only telling that, as I told you all along.

Q. And Lyon, did you understand whether he received money?

A. No.

Q. What was Lyon to get; was he offered money by anybody?

A. He never told me he was offered money.

Q. What did he say he was offered?

A. He said he was offered by Meek—and Wilkinson said it would be carried out—that if he would vote against the Government, the petition against him would be withdrawn. I said he could do as he liked, but his petition would not be withdrawn, as they had no power to do so.

Q. You didn't tell him it would be well to have his petition withdrawn?

A. I said, "do as you like, but they have no power to withdraw the petition." I said that in substance.

Q. You thought that?

A. I thought Meek had no power—I knew that as a lawyer, though he represented himself as the solicitor, but whether he is or not I do not know.

Q. You didn't tell Lyon tnat it would be a good thing to have the petition withdrawn?

A. I do not think so, though I should have been glad to have had it withdrawn, or any petition against a supporter of the Government.

Q. And more especially in Algoma where you had been yourself?

A. No, not more especially in Algoma.

Q. Now, did McKim, so far as you know, hold himself out as one that was dealing, in concert with Wilkinson, with Lyon?

A. No, not that I know of.

Q. You didn't understand from McKim that he was carrying on this deception of which you have spoken so as to approach Lyon?

A. No, I did not. I did not understand that he had anything to do with it beyond his own.

Q. Didn't you know that he was present, as the man who introduced Lyon to Wilkinson?

A. No, I didn't know that he introduced him.

Q. And that he was actually aiding, or appearing to aid Wilkinson?

A. No, I never knew that McKim was holding himself out as actually aiding ——

Q. That he introduced Lyon, and Balfour, and Dowling?

A. I had seen by the evidence that he introduced some parties, but I cannot tell you now whom; Balfour was staying at the same hotel.

Q. Did you know at the time; did he make a clean breast of it to you, or was he deceiving you as well as Wilkinson?

A. I do not understand your question.

Q. You were perfectly aware, according to what you say, that he was deceiving Wilkinson in order to carry out the scheme, but did you know that he was deceiving the others?

A. No, I didn't believe he was.

Q. That he was appearing to be Wilkinson's friend to the extent of introducing these others to him?

A. No, I always understood these men knew exactly the position he was in?

Q. And that he appeared to be acting in concert with Wilkinson?

A. I have no notion that he was conveying that impression to the minds of the men he was introducing, but I fancy that impression was being conveyed to Wilkinson.

Q. Then to Wilkinson he was appearing to be his friend to the extent of introducing these other men; that is what you infer?

A. Yes.

Q. But as these other men had a knowledge of his deception, they were not deceived; is that it?

A. I didn't think these men were being deceived in the slightest.

Q. Why not?

A. I think they all knew exactly what was going on.

Q. How did they know?

A. I cannot tell you how, but my impression is they were talking it over together.

Q. When he was pretending all the time, he must be a pretty finished gentleman; I was going to use another word?

A. You mean Mr. Wilkinson?

Q. No, I mean your friend, Mr. McKim; he must be a finished artist altogether; he was deceiving Wilkinson up to the hilt, so far imposing on him that he was introducing these other men as likely to accept these offers, while on the other hand, in some mysterious way, these men all knew that he was only humbugging?

A. I have no idea that they were deceived?

Q. Now, what is your reason for thinking so?

A. My reason was that these men all knew that Wilkinson was trying to bribe each of them, and that Balfour, Dowling and McKim talked that over themselves; Balfour and Dowling knew Wilkinson was trying to bribe McKim, and in the same way McKim and Dowling knew that he was trying to bribe Balfour, and so on.

Q. They all had that common knowledge?

A. Yes.

Q. That I understand; that is natural and likely, but it is not exactly the point I was suggesting. Have you any means of knowing that they knew McKim was playing this traitorous course?

A. I didn't think he was playing this traitorous course.

Q. That he was introducing men to Wilkinson as men willing to be bribed?

A. They thought he was only trying to expose these men.

Q. Oh, of course, the ultimate end was all right?

A. And I think that explains the means.

Q. But you have not explained how these men would know that McKim and Pardee had put their heads together to lead Wilkinson on?

A. They hadn't done so; I have told you exactly about that.

Q. Yes; we will all draw our own conclusion about that; but how were they to know of any communication which passed between you and McKim?

A. I believe they told each other.

Q. Did you know it; did you tell them?

A. No, I didn't; I drew my own conclusions.

Q. Of course if you make your own premises there is no difficulty in drawing conclusions which are satisfactory to you?

A. And I hope they are satisfactory to you?

Q. McKim is a creditable man?

A. I believe he is.

Q. Good reputation?

A. I believe he has.

Q. A man you would believe on oath without hesitation?

A. Yes.

Q. And if he swears that you or some of your colleagues told him that if Lyon's protest could be withdrawn, he better go into it, you would believe him?

A. I would.

Q. I understand the conversation was with you?

A. Be good enough to say whether it was. I heard Mr. Hardy examined upon that point.

Q. Was it you?

A. Advised any action? I have already told you.

Q. Did you give that advice?

A. No.

Q. Are you aware that it was given?

A. No.

Q. So that though you consulted together, you seem to have adopted different means of getting at the same righteous end?

A. Well, we only talked things over in this way as members of the Government would any serious affair like that.

Q. Then, I think you have told me that the money was paid to one of these gentlemen—if we may call them so without offence—on Sunday; which was that?

A. McKim.

Q. And the money paid Balfour on Monday?

A. Yes.

Q. Did you hear of other money being paid?

A. No, I heard of some being offered and refused.

Q. What time on Monday was the payment made to Balfour?

A. After 12 o'clock, I think.

Q. And the House met?

A. I think that day in the morning. I think we were meeting in the morning about that time—I think we had commenced morning session.

Q. Double sessions.

A. Yes; but I am not very positive.

Q. And the House met the second time that day at three o'clock?

A. Yes.

Q. That is according to your recollection. It would be between twelve and three then that the money was paid.

A. Yes.

Q. There was a written statement made to the House; who made that statement?

A. Mr. Mowat.

Q. Does that appear on the minutes?

A. I think it does.

Q. Who prepared it?

A. Mr. Mowat.

Q. When did he prepare it?

A. On Monday.

Q. What time on Monday?

A. I think it was in the recess between the first and second sessions, but it may have been after that; I cannot say.

Q. Was that from any knowledge Mr. Mowat had—had he seen any of these parties?

A. He had seen Balfour about it. Balfour had seen all the members of the Government?

Q. When had Mr. Mowat first seen Balfour according to your recollection?

A. I don't know whether it was on the Saturday or on the Monday previous to Balfour getting the money.

Q. It would not be earlier than the Saturday?

A. It may have been, but I do not think so.

Q I understand you to say that this thing may have been going on for ten days o two weeks before the 17th?

A. Yes.

Q. Had Mr. Mowat been kept informed by you of what was going on?

A. Yes, generally, that the attempts at bribery were pretty active.

Q. Did you inform him from day to day?

A. Well, I cannot say that, but from time to time.

Q. Was there any other written statement made at the time?

A. To the House?

Q. Made at the time before the House or a Committee of the House?

A. Not that I know of.

Q. Didn't McKim make a written statement?

A. You mean when he was examined before the committee?

Q. At any time?

A. He read his statement.

Q. Who prepared that statement?

A. He did himself, I suppose.

Q. Did you prepare it?

A. No, I did not.

Q. Was it submitted to you before it was read?

A. No.

Q. Do you know how he prepared it?

A. I believe he prepared it himself.

Q. Were you a member of that committee?

A. No.

Q. Was it a Special Committee or the Committee on Privileges?

A. The Committee on Privileges and Elections.

Q. Are you quite sure that it was not read to you before it was submitted to the Committee?

A. I am quite sure of that.

Q. He must have stated in your presence exactly the contrary of this?

A. I do not think he did.

Q. I see here in his evidence, as reported, that he stated that he had read it to you?

A. I do not think he did.

Q. Are you prepared to contradict him?

A. I am not prepared to contradict him, but I think he is mistaken.

Q. He stated so in his evidence that he dictated it to a shorthand writer in your presence?

A. What he meant was that I was in the room a few minutes while he was dictating it to the shorthand writer.

Q. You say he is a credible man?

A. He didn't mean that he read it to me.

Q. He must have meant what he said—after alterations by the Commissioner. Were you present when it was dictated?

A. I was only there for a few minutes.

Q. But he does not say that?

A. I am telling you what is correct.

Q. Well, we cannot accept McKim's version on this occasion?

A. I do not think there is any substantial difference.

Q. And if there is, we cannot accept McKim?

A. I do not think there is.

Q. But if there is, we cannot accept McKim's statement?

A. You can put your own construction on that.

Q. Had you determined not to disclose this matter unless there was money—a bribe actually put up?

A. You mean after the first attempt?

Q. I mean during the second attempt?

A. There was no decision or conclusion come to.

Q. You allowed the first to go unpunished?

A. We allowed nothing to be said about it.

Q. You have never prosecuted it?

A. Well, I suppose if there is any prosecution it covers the whole.

Q. I don't suppose it does, seeing that some weeks intervened?

A. Well, that is a question of law, and a matter which I do not want to decide, but it seemed to me that it was a continuous offence, though Kirkland's name was not introduced a second time.

Q. At all events, if you prosecuted after the first, it was not in this way? Had you made up your mind that you would not prosecute if the money was not put up?

A. No conclusion was reached.

Q. Had you strong hopes of catching Bunting? Would it not have pleased you very much to catch him?

A. Not particularly.

Q. Would you not have been glad to catch the proprietor of the *Mail*?

A. Not unless he was guilty.

Q. More than Wilkinson, or Meek, or Kirkland?

A. Just the same if he was guilty.

Q. And from the same motive; an overpowering sense of justice and a strong desire to punish the guilty?

A. Yes.

Q. You would make an awful Attorney-General?

A. Oh, I don't know.

Q. It was a strong hope of entrapping Bunting; did you not hope to entrap him?

A. I had no hope unless he was guilty of the offence.

Q. Did you believe him guilty?

A. I did.

Q. And you wanted the evidence?

A. Yes, feeling that he was guilty, I wanted to punish him.

Q. You wanted to trap him?

A. I don't know what you mean by trap, but I wanted witnesses to prove the matter if he entrapped himself.

Q. And give him every opportunity of committing the offence?

A. Not repelling him—not refusing to have interviews, and let him go on.

Q. And in that Mr. Mowat concurred?

A. I think he did heartily.

Q. You say that Mr. Mowat was perfectly cognizant of that desire on your part?

A. Yes.

Q. Although you had nothing against Mr. Bunting except the statement of Wilkinson, you were desirous to go on?

A. We had what took place between Dowling and McKim and Bunting.

Q. But you see it all comes from the same tainted source?

A. Well, I do not think the source is tainted.

Q. When the Attorney-General prepared his statement, was it submitted to Council?

A. It was talked over by the members of the Government, not in Council, but we all saw the statement and knew what it was.

Q. Was it handed to you, or did you sit down together?

A. I cannot say, but we all knew it.

Q. Was it given to you for the purpose of seeing whether it contained all the charges?

A. I read it, and felt that it substantially contained the charges.

Q. That was the object of your reading it?

A. The object was for the purpose of seeing whether it was correct or not, because the other members of the Government knew more about the details than Mr. Mowat.

Q. And you more than anybody else?

A. Well, I don't know. I think we all knew about alike—Mr. Fraser, Mr. Hardy and myself.

Q. But not the Mr. Rosses—they were too young and inexperienced?

A. You can draw your own conclusion.

Q. You three gentlemen had communicated with Mr. Mowat, and that was Mr. Mowat's chief means of knowledge?

A. Yes.

Q. He had also seen Mr. Balfour?

A. Yes.

Q. And having prepared the statement, he handed it to you. Were you satisfied it embraced all you knew about it substantially?

A. Yes, substantially, what was necessary to state to the House.

Q. But all that you knew about it, your answer is rather a trimmer?

A. I don't know it as such.

Q. Were you satisfied it contained substantially all you knew about the matter?

A. Yes, it contained substantially the offences that were charged; I was satisfied of that.

Q. Was there much indignation manifested by McKim at any time? Had you much difficulty in restraining his virtue from running over?

A. I cannot say that we had any great difficulty in restraining him.

Q. He didn't seem very much offended at the insult which had been offered him?

A. I think he felt that an insult was offered him; still I cannot say that I noticed any great feeling.

Q. Or in any of these gentlemen?

A. I think they all felt a little indignant about it.

Q. A little indignant?

A. A good deal.

Q. Oh, you will put it stronger. And how did they manifest their indignation?

A. You can generally draw that from their conversation

Q. Was it from their conversation?

A. Yes, generally from their conversation.

Q. Can you particularize anything which showed you they were indignant?

A. No, I cannot.

Q. Then it was very general indeed, since you cannot as to any one of these men, give us one instance which manifested that they felt insulted?

A. Well, I cannot give you any of them, because men have different ways of expressing their indignation. Some men look good-natured and may still be indignant; others might look very cross.

Q. Do you remember saying since this time to any of your colleagues that if your scheme succeeded, you would catch them, or any words to that effect?

A. No, I have no recollection.

Q. Will you say you did not?

A. I say I have no recollection of it at all.

Q. Well, I will try to be particular, because that may help your recollection. Latterly you did talk it over a great deal?

A. Yes.

Q. And is it possible you could have said, to Mr. Fraser, for instance, that if your scheme succeeded, you would catch them?

A. I don't think I ever said so.

Q. No words to that effect in the corridor of the House, for instance?

A. I don't know what you mean by words to that effect. I have no doubt I said if these men went on and fulfilled their promises to pay money, they would be in a bad fix.

Q. But you didn't put it in the way I suggested, that if your scheme succeeded?

A. I don't think I ever said it, because we had no scheme.

Q. Will you say on oath that you did not?

A. I did not, to the best of my recollection.

Q. So that if a man said on his oath that you did, you would not contradict him?

A. I would not believe him; I would say, to the best of my recollection I did not say it.

Q. "That if our little scheme works, we will fix them."

A. I never said it.

Q. You swear to that positively?

A. I do.

Q. That you didn't say to Mr. Fraser, in or about the Parliament Buildings or corridor of the House, these words, on the 17th of March, the day of what you call the exposure?

A. I never said it, either on the 17th of March or any other day.

Q. Did you say it to any person?

A. No, I did not.

Q. It is only fair to ask you, because you may prove it?

A. All right.

Q. Now did you tell me that Dowling had visited Bunting according to your information?

A. Dowling told me so.

Q. Dowling or McKim?

A. Dowling.

Q. Did he say what Bunting said?

A. Yes, he did.

Q. What did he represent as the interview between them?

Q. He told me that Bunting had commenced by saying to him that he was a young man, that he had been put to much expense in the election, and wanted to know if the party had paid his expenses, and when Dowling told him no he said, "well, they treat your young men or your friends differently from what we treat ours," mentioning Mr. Fauquier, whom he said they had treated differently; then he told me that Bunting had said if he would resign his seat he would get so much money paid for it.

Q. How much?

A. I cannot recollect the amount; I think $1,000 or $2,000; there was more than that which I cannot recollect.

Q. That is enough, I think?

A. That is what he told me.

Q. That was a much more serious thing, so far as Bunting was concerned, than anything which took place between Bunting and McKim!

A. I do not know that it was.

Q. Perhaps I have forgotten what took place between McKim and Bunting, but I understood that McKim went for a note which was to be security, but that Bunting declined?

A. And assured him that whatever Wilkinson promised would be carried out.

Q. But this was a direct offer from Bunting!

A. I do not say that Bunting offered Dowling the money directly, but that it would be paid him.

Q. That was a distinct offer?

A. Also something if he voted against the Government.

Q. That was a very distinct offer, and at all events it was as serious as the McKim charge, if not more so?

A. Yes, I think so.

Q. Is it not curious that that does not appear in the statement of the Attorney-General?

A. Doesn't it say that members of the House were approached?

Q. Yes, but you went into particulars in the McKim matter, and not in the Dowling affair?

A. Is there nothing about Lyon's protest being withdrawn?

Q. Well, I cannot tell you, because I have not perhaps read it very carefully, myself?

A. Be kind enough to read it.

Q. "That the Attorney-General, a member of this House, has from his place in the House, stated that he is credibly informed and believes that divers persons named by him, including Christopher W. Bunting, John A. Wilkinson, Edward Meek, F. S. Kirkland, and one Lynch, have entered into a conspiracy to accomplish the defeat of the Government in this House by corrupting members of this House to vote against the Government and Government measures. That the first named three persons are well known and active members of the party in this Province opposed to this Government, and that the last named two persons are American citizens. That for the purpose of corruptly influencing the votes of members of this House, the said five persons have at divers times during the present Session of this Legislature approached several members of this House with money, offers of money, promises of offices in the gift of the Dominion Government, and promises of other personal advantages to such members. That divers members of this House so approached, being indignant at the criminal conduct proposed to them, have deemed it to be the fitting course on their part and a duty to their constituents and the public, acting herein with the advice and approval of members of the Government, to seem for a time to entertain such approaches in order to the detection, exposure and punishment of the persons guilty of making such corrupt attempts, and have in pursuance of their duty from time to time disclosed to members of the Government the approaches from time to time made to them, and the several acts therein of the guilty parties; that among the members of this House in regard to whom such corrupt attempts had been made are Mr. Robert McKim, member for the West Riding of Wellington; Mr. William D. Balfour, member for the South Riding of Essex; and Dr. John F. Dowling, member for the South Riding of Renfrew; that in carrying out the objects of the conspiracy the said Wilkinson, to influence the vote of the said McKim, repeatedly offered him money, and has at length delivered to the said McKim one thousand dollars; that Mr. McKim, immediately on receiving the money, placed it in the hands of Mr. Speaker, to be by him produced to this House; that both the said Wilkinson and the said Bunting for the same corrupt purpose undertook to pay to Mr. McKim a further sum of one thousand dollars on a future day; that the said Bunting was a party to the former sum and to the promise to pay the latter sum for the corrupt purpose already stated, and that to secure the same corrupt object the said Wilkinson and Bunting further offered and undertook that the said McKim should be appointed Registrar at Regina in the North-West, with a salary of one thousand dollars a year; that both the said Wilkinson and the said Bunting assured McKim that the Minister of the Interior had pledged to them his word that their said promise of the said office would be carried out, and the said Bunting on his own part pledged his word to the same effect; that for the same corrupt purpose already mentioned, and to influence the vote of the said William D. Balfour, the said Wilkinson repeatedly offered to pay, and did this day deliver to the said Balfour the sum of eight hundred dollars in cash, and undertook to pay a further sum of seven hundred dollars on a future day; that for the same purpose the said Kirkland also offered to pay to him the sum of twelve hundred dollars; that immediately on receiving the said sum of eight hundred dollars, Mr. Balfour placed the same in the hands of Mr. Speaker, to be by him produced to this House; and that further to secure the same purpose the said Wilkinson undertook that the said Balfour should be appointed by the Dominion Government to a registrarship at Regina in the North-West; that the said Wilkinson, for the corrupt purpose already mentioned, and to influence the vote of the said John F. Dowling, offered him the sum of two thousand dollars cash, and to pay him a further sum of two thousand dollars at a future period; that the sum so offered to be paid down was exhibited to him by the said Wilkinson, and that there is reason to believe that other corrupt offers were made by the said conspirators to, and rejected by, other members of the House; and it is hereby resolved, etc." Then follows the resolution. You see there is great precision, but nothing about this matter.

A. Well, it seems to me it covers the ground.

Q. But can you give me any reason why it was withheld?

A. None, except that it would not have been convenient to make a statement containing all the details.

Q. But why not this one when the others were given?

A. I think it was only proper when the money was paid, and it was only exhibited in the case of Dr Dowling.

Q. Dowling signed the round robin on Sunday, I understand?

A. Dowling did not sign it at all.

Q. Well, McKim?

A. I think he did, but I am not positive.

Q. When did Lyon sign it?

A. I do not know.

Q. He signed it?

A. I was told so.

Q. Anybody else?

A. No.

Q. No offer was made of money to Lyon, according to what you heard?

A. No.

Mr. McCarthy.—Then we had a little contradictory evidence as to how he came to negotiate about this matter of the election petition.

By Mr. Caswell.—Q. When did you say that Kirkland purchased these ten thousand acres?

A. Sometime in the fall of 1883—September, I think.

Q. He saw you personally about that purchase?

A. Yes.

Q. Then when was this permit granted to Mr. Conway?

A. I think in December, 1883, three months afterwards.

Q. It was a permit, not an ordinary license?

A. Yes, it was a permit to cut timber on certain lots to supply the local demand.

Q. Where did this limit extend ?

A. I cannot tell you.

Q. Was it over this land of Mr. Kirkland's ?

A. No, I do not think so ; it is my impression it did not.

Q. Was Conway's in a surveyed township ?

A. No ; and as this other was, it would not be the same.

Q. You say so positively ?

A. I see that Conway's lots are all in surveyed townships, while Kirkland bought unsurveyed lots on the Arrow River.

Q. There has been a petition referred to which was sent down by the people of Port Arthur ?

A. Yes, there was a petition wanting me to change my policy.

Q. Have you that petition with you ?

A. No, it is in the Crown Lands Office.

Q. You could furnish it ?

A. Yes, it could be furnished, I suppose it was only in favor of selling the timber along with the land.

Q. The same idea that Kirkland was after ?

A. Yes.

Q. Can you give us any idea of how extensively it was signed ?

A. No, there were quite a number of names.

Q. It would be well to have it produced to-morrow, or a copy of it ?

A. I have no objection.

Q. I understand it was considerably signed by a large number of people there. What was done with that petition ?

A. It is filed in the Crown Lands Department.

Q. You didn't determine to accede to it ?

A. No, of course not.

Q. Because it was contrary to your policy ?

A. Contrary to the policy of the Government.

Q. Did you ever consider whether it would be advisable to change it in that locality ?

A. Certainly, and came to the conclusion it would not.

Q. When did you first hear of Kirkland being here during the Session of Parliament ?

A. I saw him here. I saw him in the Library and about the Buildings. I cannot tell what part of the Session it was when I first heard of him. I suppose it is easy enough knowing when he came, and I suppose I saw him from time to time in that way.

Q. When did you first hear of his being connected with any wrong?

A. Some time after—the first time about two weeks prior to the 17th of March. I don't recollect exactly the first time I heard he was offering money.

Q. Who was the first person who heard it and told you?

A. I think McKim told me.

Q. Did he say he asked Kirkland for money?

A. No.

Q. That that was how the money was introduced?

A. No.

Q. Did you authorize him to ask for money?

A. Certainly not.

Q. Or any members of the Government?

A. I cannot speak for them, but I know they didn't.

Q. Did the Government give any instructions that he should try to catch Kirkland?

A. Certainly not.

Q. Mr. Fraser said on the night of the arrest in the House that the Government snared these men into it?

A. If he did you must ask Mr. Fraser what he meant by it.

Q. He said they had snared this brawling brood of bribers. You do not agree with him?

A. I do not say I disagree. I am afraid the men they were dealing with did some snaring.

Q. You didn't induce McKim to ask for money?

A. Certainly not.

Q. Did you ask any of the others, Balfour or Dowling, to ask Kirkland for money?

A. Certainly not.

Q. McKim says positively that he asked him for two thousand dollars; did he report that to you?

A. No, he did not.

Q. He didn't report that he was the one seeking the money?

A. No.

By Mr. McCarthy.—Q. This is the Order-in-Council of which you spoke (handing witness a paper)?

A. That is the Order-in-Council.

Q. It is not limited, as you represented?

A. I think it is intended to be, and I think it is so.

Q. It says: "The Committee of Council have had under consideration the report of the Hon. the Commissioner of Crown Lands, dated the 31st day of October, 1882, wherein he states that the opening up of the Canada Pacific Railway to Prince Arthur's Landing, and the commencement of the construction eastward, has caused a pressing demand for lumber for building docks, erecting elevators, and other structures connected with trade, and also for timber for dwellings for an increased and increasing population, that the district in the neighbourhood of the Landing cannot by any means be considered a timber country in the general acceptation of the term, and consequently cannot well be dealt with in the manner usual with well timbered territories, where limits are awarded at public sale; that in order to meet the wants of the people, and with a view to the improvement of the locality and development of its resources, and to obviate the contingency of the law being set at defiance and the timber cut without authority, the Commissioner recommends that he be authorized to grant permission to cut timber in the Thunder Bay District, and to levy such charge on the timber so cut as will approximately represent a reasonable bonus in addition to ordinary rate of license dues, and to deal generally in the matter as may be found expedient." Just tell me what is the Thunder Bay District?

A. Somewhere from about Pic River west, as far as the boundary line between the Sault and Prince Arthur's Landing.

Q. Is it the Pic River or the Michipicoten River?

A. I think it is the Pic River running west to the boundary line.

Q. I suppose it is described in the Statutes?

A. Certainly; it is only intended to apply for local purposes, and has only been acted upon in that sense.

Q. How many miles did Conway get?

A. He got quite a number of lots in two or three townships; I cannot tell the amount.

Q. As much as forty square miles?

A. Not more than half of that I think; I do not think there is more than thirty or forty squares miles covered by that Order-in-Council since 1882.

By Mr. Blake.—Q. What was the purpose of the Order-in-Council?

A. It was represented that large quantities of timber were required for the Canada Pacific Railway, which was building to the eastward, for docks, elevators, and other public as well as private buildings, that they were stealing the timber, as I could hardly blame them for doing, for they could not stand still, and the Government felt that they must make some provision for that case. The Order-in-Council was passed for that purpose, and that we might not stay the progress of the country, and I have only acted upon it since it was passed in that view. The Government understand that it is only for the purpose of meeting local demand. We charge two dollars a thousand, and we only charge seventy-five cents a thousand dues elsewhere, and we put on the extra $1.25 in order to make up the bonus which we would get if we sold them at public sale, which we do in all other places. Therefore, in making my calculations, I said that this $1.25 will meet any bonus we would get at pablic auction.

Q. It was intended to meet this local demand, and was only given for that purpose?

A. Certainly.

Q. When first you heard about these offers, what was the reason you didn't at once take action?

A. Because I felt it would be little use at that stage, that we should wait and see whether these parties were really in earnest and would carry out what they said, and to get corroborative evidence.

Q. And for no other reason?

A. No, no other reason than that the parties should be punished if guilty.

Q. The charge made against you and other members of the Government is that you induced members of the House to approach persons who were said to have been engaged in this work, for the purpose of inducing them to corrupt them, and for the purpose of endeavoring to induce others to engage in the same criminal acts. Is that true or not?

A. It is untrue.

By Mr. CASWELL.—Q. Did you order Kirkland's arrest?

A. The Government instructed the officers—Mr. Fenton and others.

Q. All the members of the Government?

A. The Government understood they were to be arrested. It went through the Attorney-General's department very likely, I cannot say.

FREDERICK FENTON, called by Mr. McCarthy, and sworn.

Q. You are County Crown Attorney for this county?

A. I am.

Q. Had you anything at all to do with the arrest of Kirkland and Wilkinson?

A. I directed it.

Q. What had you to do with it?

A. I ordered the detectives to enforce the warrants, and placed them in their hands.

Q. Did you draw the information?

A. Yes.

Q. On whose instructions?

A. The instructions of Mr. McKim.

Q. What day was it he instructed you?

A. The day the information was drawn.

Q. That, I believe, was the 17th of March—Monday morning

A. Yes.

Q. Was McKim the deponent?

A. He was not.

Q. Who was the man who laid the information?

A. Government detective Murray.

Q. McKim stating the facts and Murray swearing to them?

A. McKim stating the facts to Murray and me together, and Murray laid the information. That is the way it is always done—it is the usual course.

Q. That was the way it was done on this occasion?

A. That is the way it is done continually.

Q. When was the warrant obtained?

A. The same day—I think about five o'clock in the afternoon, or it might be after

Q. Had you been instructed by any person but McKim in the matter?

A. It was from McKim we got instructions.

Q. Had you been instructed by any person but McKim?

A. I do not know what you mean by instructions.

Q. You know how to charge for them?

A. That depends on circumstances altogether.

Q. Had any person else communicated with you?

A. Communicated what?

Q. Communicated anything.

A. I had heard about it from some members of the Government.

B. From whom?

A. From Mr. Hardy.

Q. That day?

A. That morning—yes.

Q. Anybody else?

A. I think Mr. Pardee was present part of the time Mr. Hardy was talking about it, but not the whole time.

Q. Where was the interview?

A. At the Attorney-General's office.

Q. How did you come to be there?

A. I came there to meet parties.

Q. In this matter?

A. Yes, to meet McKim and prepare the necessary papers.

Q. Who executed the warrant?

A. I was not present at the time, but I suppose it was Government Detective Murray, with the assistance of some other detective. I am not sure it was Government Detective Murray; better ask him.

Q. From your information you understand it was Murray, and who else?

A. There was Detective Wynn and Detective Rogers, but which one it was seized the men I do not know.

Q. They were together?

A. Yes, these were the three men I saw that day and that had charge of the matter.

Q. Were you present shortly after they were arrested?

A Present where.

Q. At the House, I believe ?
A. I was there that night.

Q. Did you see the prisoners under arrest ?
A. Not until they were brought before the magistrate in the morning.

Q. You understood they were searched and the papers taken ?
A. Yes, that night.

Q. Were the papers brought to you ?
A. No.

Q. Were they shown to you ?
A. Yes.

Q. By whom ?
A. Inspector Ward.

Q. He was not one of those who executed the warrant ?
A. I believe he was not.

Q. When did he show you the papers ?
A. That night.

Q Where ?
A. At Number 2 Police Station, Toronto.

Q. Was that the first time you saw the papers
A. Yes.

Q. Did you take possession of the papers ?
A. No.

Q. What became of them ?
A. They were never in my custody. I saw them in the custody of Inspector Ward.

Q. Was any person with you at the Police Station at this time ?
A. There was no person but Ward and myself.

Q. Was Mr. Fraser there ?
A. He was not.

Q. I was told he saw the papers ; but to your knowledge he did not see them ?
A. He did not.

Q. What papers did you see ?
A. I saw what Ward represented to me were the papers taken from the prisoners.

Q. Can you remember what they were ?
A. No, I cannot.

Q. You know it was alleged that some of the papers were not forthcoming?

A. I think that never was alleged except in the Police Court weeks afterwards by the invention of counsel.

Q. That is what they do in the Police Court—state the facts entirely by their own invention, of course you know.

A. Yes, but I did not say, however, that the invention of counsel is confined to the Police Court.

Q. It was stated in the Police Court. What papers were stated to be missing?

A. No papers were stated to be missing.

Q. I thought you said so?

A. No, I said it was only a suggestion.

Q. Well, what papers were by suggestion, by question, by query, by insinuation, or otherwise said to be missing?

A. I heard the insinuation that this paper signed by McKim and Lyon—the round robin—was taken from the prisoner that night and had disappeared, which was entirely untrue. No such paper was found on the prisoners.

Q. How do you know?

A. So far as I know.

Q. Well, you were not present?

A. I was there shortly afterwards.

Q. You never saw the round robin?

A. No.

Q. That is all you can say?

A. Yes.

Q. But you would like to go a good deal further. Was there a map or contract spoken of?

A. None.

Q. Merely the round robin?

A. That is all I heard.

Q. Did I understand you to say that it was on the Monday you drew the information?

A. It was on the Monday.

Q. It was all drawn on Monday, or did you commence on Sunday?

A. I think I did begin on Sunday night, but the information was really drawn on Monday, it was nothing more than a sketch. No, I was wrong, no part of it was drawn on Sunday night. Now I recollect it was not so.

Q. When was it commenced?

A. On Monday morning, not a line of it till then.

Q. Had there been a draft before that?

A. Not the slightest.

Q. Or a sketch or skeleton?

A. Nothing at all.

Q. You had only been thinking of it on Sunday?

A. That is all.

Q. And hadn't actually commenced to put pen to paper until Monday morning. What time did you commence Monday morning?

A. I think about six o'clock in the morning.

Q. Was McKim with yon then?

A. No.

Q. Or Murray?

A. No.

Q. How did you draw it without instructions?

A. I had heard about the matter before, on Sunday.

Q. From whom?

A. Mr. Hardy who told me what was afloat.

Q. Instructed you?

A. He gave me a general outline. I didn't know the names of the defendants or the names of the members at that time.

Q. What time on Sunday did you see him?

A: Well, I took no note of it.

Q. Afternoon or forenoon?

A. Forenoon, I think.

Q. You looked up authority?

A. I had no details except a general outline.

Q. You had the substance of the charge?

A. I had a general outline?

Q. You were instructed by Mr. Hardy to prepare it?

A. Not at that time.

Q. For what did he give you the general outline?

A. He asked me to see him, and I went down and saw him and he told me.

Q. How did he ask you?

A. He sent me a note. I went down at that time. He expected that the intended crime would have been completed, but he informed me that it was not completed, and I was not to go on until the offence was completed.

Q. You were to have everything cut and dry, but not to put the thing in motion until the offence was completed?

A. No, when he sent for me he expected it would be completed by the time I arrived, but when I arrived nothing had been done, but if it was gone on with he expected me to act.

Q. He expected the crime would be completed by the time you were there, but when you got there it was not, and it had to be postponed, but he felt so certain that you were to go on and get the papers ready?

A. Nothing of the kind.

Q. That was the result of it?

A. He told me he expected this offence would have been completed, but as a matter of fact it had not been completed, but if they had pursued the matter further, then I was required to act.

Q. Did you see him again that day?

A. I did not.

Q. Did you get any word from him?

A. I think I did.

Q. About what time?

A. I think it was while I was away at church in the evening.

Q. Did you go to church Sunday evening?

A. When I got home from church I found a memo. from him informing me that the money had been paid, and that I had better go down to the Attorney-General's office in the morning and attend to the matter.

Q. Did you go in the morning?

A. I did.

Q. At what time?

A. I think it was after nine o clock.

Q. Did you commence to draw this at six

A. Yes.

Q. How did you do that without instructions?

A. In blanks, mere skeleton.

Q. You had no instructions up to this time to draw the mere skeleton?

A. I had not, but I had looked into the law a little, and I had prepared what was intended; I knew what was intended.

Q. Had you any information from anybody except what was heard from Mr. Hardy on the Sunday?

A. None at all.

Q. All your instructions and knowledge were given to you on the Sunday?

A. Exactly.

Q. And that knowledge led you in the first place to go down to Mr. Hardy, and then you were told that the evidence wasn't complete, but he expected it to be completed, and then you got word in the morning the thing had been completed, and then you commenced to draw up the papers, having looked into the law Sunday night?

A. Yes.

Q. After church hours?

A. Yes.

Q. And then you went down to the office about nine o'clock?

A. That is it; saw Mr. McKim at the office, and prepared the information.

CHRISTOPHER FINLAY FRASER, sworn, examined by Mr. McCarthy:

Q. Mr. Fraser, you have heard Mr. Pardee's evidence in full, I suppose, here?

A. I was sitting here all the time.

Q. And that means, I suppose, you have heard it?

A. Yes, I have heard it.

Q. When was your earliest knowledge of this matter; can you fix the date at all, or be more accurate as to dates than Mr. Pardee?

A. I first heard it during the course of my illness in the early part of the session, when I came up to attend the session; I think I reached here the day before the session, or two days perhaps, and I was taken ill—in fact I was ill when I left home—and when I got here I had to take to my own room, and I was kept in my room without being able to leave it until, I think, the Thursday or Friday of the week following the opening of the session.

Q. That was, of course, before the vote was taken?

A. I was in the House when the vote was taken; that would be the second week.

Q. The House would open on Thursday?

A. No, I think it was on Wednesday; I am not clear about that, but I think it was on the Wednesday, and I think I was able to leave my room on the Thursday of the following week; that would be about a week that I was in my room; I was able to be in the House for long enough to present a petition on the Thursday.

Q. When was the vote taken?

A. The vote was taken on the following Tuesday night.

Q. Very nearly a fortnight from the time of opening?

A. Well, it would be a fortnight if you count the first days; the Thursday preceding the time of taking the vote I was there for a few minutes, and I was there also for some time on the Friday; the day following I was not in the House for any length of time, to attend what you may say a sitting, until the Monday.

Q. You heard of it before the Thursday?

A. My recollection of it was, Mr. Pardee came to see me while I was ill; Mr. Pardee was the first.

Q. Did you hear of it from anybody else but Mr. Pardee or some of your colleagues, before the vote was taken?

A. Oh, yes.

Q. Before the first vote—the vote on the Address?

A. Oh, yes; McKim had told be; I had seen McKim.

Q. When did you see McKim ?

A. Well, I am not very clear about whether that was in the week preceding the vote or not ; my impression is that it was ; that he came to see me when I was getting stronger too ; I think McKim came to my room and gave me a general outline of what had occurred, but of course I will not, I cannot, profess to carry in my mind all these interviews, and do not pretend to do it ; in the first place I was not paying any attention to business at the time at all in one sense ; in the next place, when the session came on, and when I did come out and my active work commenced, I did not pretend to follow up the dates.

Q. You are satisfied you heard from Mr. McKim before the vote on the Address was taken ?

A. Oh yes, I heard from McKim that approaches had been made to him, but he told me very distinctly that Wilkinson had started to Guelph on the Saturday prior to the Tuesday when the vote was taken, in order, as McKim heard from Wilkinson, to see what Wilkinson could do there with reference to the member for that constituency.

Q. You mean on the Saturday before the vote was taken ?

A. Yes ; I understood on that Saturday—McKim let me know on that Saturday—that Wilkinson had left by train.

Q. I want to get the date first ; you need not tell me all about it till I ask you. It must have been on or after that Saturday ?

A. No ; I must have heard about Wilkinson, or McKim must have told me before that generally about what was going on. I think I heard it on that very Saturday in my room.

The CHAIRMAN.—Q. That member was Mr. Laidlaw ?

A. Mr. Laidlaw.

Q. Was the vote taken on Monday or Tuesday ?

A. The vote was taken late on Tuesday night.

Mr. BLAKE.—Q. Wednesday morning was it not ?

A. Well, when I said on Tuesday night, I mean the Tuesday sitting ; I think it lasted until after midnight ; I am not certain about that.

Mr. McCARTHY.—Q. Did you at this time offer any advice at all to Mr. McKim ?

A. I am not certain whether I did or not ; but I will make your way easy, perhaps, by telling you—

Q. Do not mind making my way easy ?

A. I will tell you I am not certain. I think it would save time if I indicated what I did throughout.

Q. Did you or did you not offer him any advice at this time at either of these interviews ?

A. I did offer him advice in some interview, and I think—

Q. I mean, taking either one or the other of these, and before the vote on the Address ?

A. Oh, yes ; I think I did.

Q. Do you recollect that you did ?

A. I have no doubt about it in my own mind, although I don't recollect it.

Q. Then, if you don't recollect if you did, you would not recollect under the circumstances what you stated to him?

A. Yes; I would have a very good idea what I said to him.

Q. That would be guessing?

A. No; it would not be guessing a bit. I recollect it in that sense what I said to him in the way of advice or suggestion, if there was advice or suggestion given.

Q. What was it in that way that you recollect that you said to him in the way of advice or suggestion?

A. I do not pretend to give the exact words, but what I said to him, in substance, was, that if I were in his place, I would let these men go on making their offers; I would not drive them away from me; I would allow them to go on—let them continue making their offers; that it was his duty to find out what it was they intended to do—their whole scheme.

Q. Which men are you speaking of?

A. I am now talking of Wilkinson and Bunting especially.

Q. Anybody else that you would not say you were talking of especially?

A. I am not certain whether Mr. McKim had mentioned any other names in connection with any offers that had been made to me at that time.

Q. You are speaking of course now about the matter that occurred before the vote on the Address?

A. Certainly.

Q And you are saying your advice was what, exactly in your words?

A. That if I were in his place, I would allow these men to go on making their offers—I am not giving the very words; I don't pretend to remember the exact words of a conversation—but in substance it was that I would allow them to expose their whole scheme; that I would not give them any reason to suppose—give them any reason to think—that I was not willing that they should make me offers; I would allow them to expose the whole hand.

Q. That you would allow them to expose the whole thing—that he was not to give them any reason or advice that would lead them to suppose that he would not accept their offer?

A. Certainly.

Q. That is the way you desire to put it?

A. Certainly.

Q. Were you suggesting that he should take active means in any way to coax them on?

A. No; in no sense, and in no shape, and in no way.

Q. He was to do it passively but not actively—that is the distinction you draw?

A. That is the distinction I draw.

Q. He was in no way to alarm Wilkinson's suspicion; he was rather to lead Wilkinson and Bunting to believe that he was willing to accept their offer?

A. I don't use the word alarm, but if he threatened to expose them, and said, "I won't listen to what you are saying," and threaten to expose it, that of course would be the end of it. He went into details, but I cannot charge my memory with these things; I just take the general threads, the fact that offers were made, and the parties by whom they were made.

Q. Did you talk with him backwards and forwards, or just give him the advice at the end of his statement, or did you discuss matters with him?

A. Well, I don't know what you mean by discussing—if you will ask me in any sense; I don't know what you mean by it, using it as you do now.

Q. I mean, for instance, did you let him make the statement of all that occurred and then give him this advice, or were you examining him or entrapping him with a view, of finding the history of it?

A. No; I was not interrogating him. He came to me voluntarily. He was telling me without any interrogation. I do not recollect there was anything of the kind. It is quite possible during the course of our conversation I might have said, "What next occurred?" or what next he did, or something of that kind. I cannot say. I think it would be quite natural if the thing was going on that I might put in an interjection of that sort. I would not say that I didn't; I would not say that I did.

Q. I understand you to say you can only speak of two interviews—one before the Thursday, and one on the Saturday before the vote was taken—I am correct in that?

A. I think that is all I have any recollection of.

Q. At either of these interviews, did he mention to you at all, or did he say anything to you, about where the next interview was to take place, or what he next expected would happen, according to the conversation he had had previously?

A. I cannot recall anything of that kind now.

Q. How did you know he was to meet him again, if he had offered the money and it had been refused; you understood he hadn't it?

A. I understood he hadn't it, and that the offer, so to speak, McKim had left open, so he had given Wilkinson to understand.

Q. That he wanted a little more?

A. No, not a little more, but the matter was still in negotiation.

Q. Did you become aware that gradually the offers were being increased; what had been three or four hundred dollars first was gradually increased until it came to two thousand dollars?

A. I did not charge my memory with that at all; the fact that money was offered was to me the substantial fact; the fact that the office was offered was a substantial fact; I recollect, too, that McKim mentioned the fact of having seen some communication, either a telegram or a letter, purporting to come from Mr. Macpherson; and I recollect, too, that in that early interview he told me something about Wilkinson having made an endorsement on the letter, if it was a letter; a letter was afterwards produced, which, I think, was the same letter afterwards found amongst the papers, and there was an endorsement on it.

Q. That is hardly an answer to my question; you say you do not now remember that you understood at the time of that very interview that this proposition was increased—the proposition as to the money?

A. I have no doubt McKim told me the facts.

Q. I don't know what the facts are; answer my question; do you recollect that?

A. I am answering your question.

Q. You are not; you are saying McKim told you the facts; "yes" or "no" will be an answer to it.

A. No, it won't be an answer, because I want to explain as I go along; put your question and we will see what will satisfy you.

Q. Did you understand from time to time that the offer that had been originally made to McKim was afterwards increased?

A. I can only answer that in one case; if he told me the facts, and I suppose he did, I must have understood at the time; you ask me what I understood.

Q. I mean your present recollection?

A. I have no present recollection at all, but I think I ought to have added, that although I had no present recollection, I have no manner of doubt that McKim did tell me all the details; that whatever occurred he told me.

Q. You knew in some way or other that the negotiation was taking that form; that the price was being increased?

A. No, I am not saying that; I am saying that whatever the offers were, McKim told me of them; what I am saying to you is, that I have no recollection of the increased price.

Q. What you want to say, and what you volunteered to say, but I do not ask you, is that if the offer was increased from time to time you must have been aware of it?

A. I have no doubt McKim told me.

Q. Then on that assumption you must have been aware that this negotiation was being carried on on the basis that McKim was being continually offered larger sums?

A. If that be the fact.

Q. That would indicate to any intelligent man—and I do not doubt you are a very intelligent man—that McKim must have been sticking out for a larger sum?

A. It would indicate nothing more to me than this, that they had not settled their bargain in any shape or way; that it was somewhat an open affair, and that Wilkinson was trying further persuasion.

Q. And the difficulty would appear to be the want of money—the sum was not large enough?

A. No, not to me, because I had no doubt at all that Mr. McKim did not expect to get any money for himself, and did not want any; it was not a question with him of getting a larger price at all.

Q. Still he was representing that?

A. No, I don't think he was representing that.

Q. I do not see why the other man would be increasing his offer?

A. I can understand why he should offer. If his first offer was not accepted I can understand he would go up.

Q. I suppose the other man would by some means or other indicate that if he did go up he would get him?

A. Inasmuch as the bargain was not closed, I suppose Wilkinson would infer or assume that he had to increase his offer.

Q. Notwithstanding that, you still approve of his going on in that way?

A. I approve of Mr. McKim allowing Mr. Wilkinson, and all those who were concerned in that matter, to expose their whole hand. I thought it was the duty of any man who had been approached in that way, to bring these parties to conviction. I would have done it myself. I cannot put it any stronger than that—I would have done it myself.

Q. That ended the first siege, as Mr. Pardee calls it?

A. I don't know what you call the ending of the first siege. It came to a vote on Tuesday night, and the efforts of these parties seemed to at once collapse. My own belief at the time was——

Q. I did not ask your belief, because that would not be evidence?

A. Well, it would not be evidence, I suppose.

Q. Well, you have been sworn to tell the truth, and just the truth?

A. To speak my belief is the truth—it is not false.

Q. That might not always be?

A. Oh, yes; my belief, so far as I am asserting it, would be the truth, so far as my belief.

Q. It would not be evidence here?

A. That is another thing.

Q. When did you next hear anything?

A. I don't recollect exactly the date at which the attempt to bribe the members again arose; it was before the 17th March, in the early days of March; but I cannot charge my memory with dates at all; I did not at the time. The matter of dates was of no consequence.

Q. Did Mr. McKim communicate with you then from time to time?

A. Communicate what?

Q. Communicate about the offers that were made?

A. Yes, he sometimes saw me; he sometimes saw Mr. Pardee?

Q. Did you and Mr. Pardee ever meet him at one interview?

A. Well, it is altogether likely, but I have no present recollection about it; that is a thing that would not occur to me to be of any consequence at all; but if Mr. McKim said that we did I have no doubt that it was so, and if Mr. Pardee states so

Q. You wouldn't contradict that?

A. No.

Q. Do you remember persuading Mr. McKim to go to Mr. Bunting, and that he rather objected to go?

A. No; you use the word "persuade" in the sense that we would urge.

Q. No, I mean that he was willing to go, and if left to himself that he would not have gone?

A. No.

Q. Did he not express himself that he did not want to go?

A. I have no recollection so.

Q. You knew that he was going to Mr. Bunting?

A. I am not sure that I knew before he went.

Q. You are not quite sure about that?

A. I am not quite sure that I knew before he went; I may have known.

Q. If any person asserted that you did know, you would not say that you did not know?

A. I would not say so; no.

Q. But you have no recollection of what transpired on that occasion that was communicated to you?

A I have already said that I do not pretend to recollect the conversation.

Q. I am trying to jog your memory?

A. I have told you.

Q. There is no use my being here unless I am to try and extract something from you; did you ever see Mr. Dowling?

A. Yes.

Q. Alone, or with Mr. Pardee?

A. I think that there was an interview between Dowling and Mr. Pardee and myself after he had seen Bunting; that was the only time, I think, that I saw him in the sense that you put it, with Mr. Pardee.

Q. Will you say that you did not see him with Mr. Pardee before he saw Bunting—before he represented that he had seen Bunting?

A. Well, I have no present recollection of that; I know that I saw him after he saw Mr. Bunting; Mr. Pardee was present.

Q. You have no recollection of meeting him or Mr. Pardee before he saw Bunting?

A. No.

Q. Do you know whether Mr. Pardee was present or not; do you remember Mr. Dowling saying that Wilkinson wanted him to go and see Bunting?

A. Yes.

Q. Do you remember his further saying that he did not want to go.

A. I remember his saying that he did not care to go.

Q. That he did not like to go?

A. Yes.

Q. That he thought if Bunting really wanted to see him, that Bunting ought to go and see him?

A. That is not my recollection of the reason he gave; my recollection of the reason he gave was that some capital would be made against him if he went to see Bunting; that they would pretend or profess to believe that he was making an offer to them rather than that they were making an offer to him?

Q. That was his own suggestion?

A. Yes; he said he was afraid that construction would be put upon it, and that is the construction you have put upon it.

Q. I have not put any?

A. Well, I don't like to use the expression that just came to the tip of my tongue.

Q. You are at liberty to use your mind in that way; don't spare me, don't mind me at all if it would be any comfort to you?

A. It would be no comfort to me; I said I didn't like to use it.

Q. When he said that, did you argue him out of it and show the absurdity of it?

A. No, I did not argue him out of it, but I said to him, "You ought to have no apprehension on that score, because you have told the members of the Government of these offers and these advances, and therefore you are not in the hands of these men, they cannot make a case against you as if you had not communicated to the members of the Government."

Q. What did he say to that?

A. He didn't say anything to it that I recollect.

Q. That persuaded him at once?

A. I did not say that it did persuade him.

Q. What did he say to it?

A. I don't recollect any answer being made to me; he may have made some answer; I don't recollect that he said he would go and see Bunting.

Q. Did you understand him to acquiesce then, and say that he would go and see him?

A. No, I did not.

Q. Did you understand him to leave, after that exhortation, still determined not to go and see him?

A. I don't know why you use the term "exhortation;" you had better call it by some term that is proper, because I do not propose to answer any of your catch-questions; it was not an exhortation, I don't call it anything of that kind at all, I was not exhorting him.

Q. What do you call it?

A. I don't know why I am bound to tell you what I call it.

Q. You can't give it a name?

A. I can't give it the name that you choose.

Q. You won't give it to me?

A. No.

Q. It has a name?

A. It has a name.

Q. But you won't give it; until then I want to use the best name I can; did your exhortation influence him?

A. Then I will say I made no exhortation to influence him.

Q. Was he influenced by whatever this was which has not a name?

A. I am not sure that he was; he afterwards saw Mr. Bunting, and perhaps he was.

Q. Do you know anything else that prevailed on him to see Mr. Bunting?

A. No.

Q. Except the exhortation?

A. I don't think the exhortation, because I don't call it an exhortation; I use no exhortation, and you are using a term that is not properly applied; it is a smart thing, of course; you are notorious for clever things.

Q. He has made a statement about this which does not quite agree with yours—he does not call it an exhortation, though, in that you both agree—but he has made a statement which does not quite agree with yours; he represents this in substance, that he saw you and Mr. Pardee, who had gently persuaded him to go?

A. I don't know what he has represented; if you will read to me what he has represented I will tell you whether he has any reason for asserting it.

Q. You say that would be an incorrect interpretation to put upon it, that you persuaded him to go?

A. Yes, I think it would. I don't think we persuaded him to go.

Q. What word will you use?

A. There is no word that I can use in the sense in which you are using it at all; I tell you what I told him.

Q. What was your object in saying that to him; was it to induce him not to go?

A. No.

Q. Was it to induce him to go?

A. No.

Q. What was it to do?

A. It was to leave him to do as he pleased, but to remove what I thought was a wrong impression; I thought he had a wrong impression as to what the result would be.

Q. It was that wrong impression that had prevented him going?

A. Very likely it was.

Q. And if you removed that wrong impression he was more likely to go?

A. If.

Q. And you did remove that wrong impression?

A. Yes.

Q. So we have got it down pretty clear that it was an exhortation?

A. I don't think it was.

Q. You have taken a pretty bold stand about this; you are not mealy-mouthed about it at all, are you?

A. Well, if you choose to put these insulting questions.

Q. It ought not to be insulting to an Irishman to say mealy-mouthed?

A. I have had no hesitation in expressing my opinion.

Q. Have you not said that you advised these men to endeavor to entrap Wilkinson and Bunting and others?

A. I don't know the exact word I used; they were used in the committee, I think it was.

Q. Do you adhere to these words?

A. Substantially I do; what I mean by that is—

Q. Do you remember what any of those words were?

A. No, I don't recollect.

Q. You remember the substance of what you said?

A. I think so.

Q. What was it?

A. The substance of it was that I was prepared to take the responsibility of having advised these men to allow these men to proceed.

Q. Oh, no; you are putting it a little weaker; "I am prepared to take the fullest responsibility for advising that endeavors should be made to trap these people"—trap, are you still of that mind; is that correct?

A. Substantially it was correct.

Q. And you emphasize it by saying "As I would endeavour to trap them myself?"

A. Yes, and what I meant by that, and I suppose I ought to tell you what I mean, we did not put these men in a trap in the sense that you use the word "trap" ordinarily, and, therefore, it wants some interpretation, I think.

Q. Why did you use the word "trap?"

A. A figure of speech.

Q. You mean it was not a rat-trap?

A. No, nor was it a wild-beast trap.

Q. What kind of a trap was it?

A. Well, it was a figure of speech; the word trap, of course, is not used there in its actual sense as we ordinarily use it; the sense in which I used it was just exactly as I have been trying to describe to you; I told these men as they came to me from time to time, no matter which of them it was, I gave them to understand that I saw no reason why they should not let Mr. Bunting and Mr. Wilkinson and Mr. anybody else who was concerned in this matter go on with their offers.

Q. Do you desire (because every opportunity should be given every man to repent) do you desire to withdraw this expression?

A. I don't withdraw them in that sense.

Q. Withdraw them as they are here before the Committee of the House?

A. I don't withdraw them in the sense in which I intended them.

Q. Or in the sense they mean?

A. No, substantially what they mean I don't withdraw; I explained to you what I desire to convey; I will not withdraw; I am prepared to stand by my words.

Q. Then you do stand by your words?

A. I stand by them in the sense in which I have told you; I don't know what sense you take from them.

Q. I mean the ordinary sense that a common man may understand them; do you wish to withdraw them from the ordinary sense?

A. Not in the ordinary sense in which a common man would understand them, having a knowledge of all the facts, knowing what I am saying here to-day, telling you what I have done.

Q. You proposed to save this witness from the cross-questioning?

A. Yes, my object in interposing there was just simply this, we had a very brief time from then till the time the Session would conclude; it was not with a view of saving the witness from cross-examination.

Q. You had some other view as well?

A. If you will allow me——

Q. Go on?

A. I intend to if you will only stop from talking.

Q- Can't we both go together?

A. No, I did not stop Mr. McKim from the cross-examination in the sense of wanting to save Mr. McKim, but I knew that the cross-examination of Mr. McKim would take a lengthy time, and I wanted to save the time of the Committee, that is what I wanted.

Q. Did you understand from McKim that he was negotiating with Lyon?

A. No.

Q. Professedly as the agent or as the colleague or as the assistant of Wilkinson?

A. I have heard that question that has been suggested here.

Q. Answer my question; you are a witness just like anybody else, and all you have to do there is just to answer questions?

A. I suppose I knew that.

Q. I am beginning to doubt it?

A. I don't think you have any reason to doubt it.

Q. Is that the fact, did McKim represent to you that he had gone so far as to introduce to Wilkinson Mr. Lyon amongst others, for the purpose of being approached in the same way as he was approached?

A. I think not.

Q. Will you say on your oath that that is not so?

Q. That is my recollection, that is all I can say.

Q. You won't swear positively that that is not so?

A. Well, I have reasons for thinking that my recollection is accurate.

Q. Will you swear positively that that is not so?

A. Well, one cannot say with that positiveness where there were so many interviews, but so far as my recollection is concerned, I had no conversation with Mr. McKim about Lyon at all.

Q. Something of that kind may have occurred, but you have no recollection at present that it did occur?

A. No.

Q. Do you remember whether Mr. McKim told you about Lyon having been approached?

A. I have no recollection of it at all, and my impression is all against it.

Q. You would not say positively that it was not so?

A. Except in the sense that I am now saying it, that my recollection is all against it; as positively as one may say that, I say it.

Q. I suppose it is hardly necessary for me to ask you the question, after your answer, that you did not tell or acquiesce in McKim carrying on any negotiation with Lyon for the purpose of inducing him to commit himself?

A. Of course I am giving these answers all the time, having heard the question you put to the other witness, and of course I cannot dissociate it from the other question in my own mind; my impression is entirely against it, because I have an almost distinct recollection that I was not told of what was going on at all in connection with Lyon; that I learned what I did learn from Mr. Pardee or some other member of the Government; and I will tell you further why I thought so: I thought it strange that Lyon did not tell me something about it, I knew he was telling other members of the Government.

Q. We are talking about Lyon?

A. I have not heard anything about Lyon, for he, according to my recollection, never discussed that matter with me.

Q. McKim says he told you and Mr. Hardy what was going on with Lyon, and that Lyon, by means of this, was to have the petition withdrawn; you have no recollection of that at all?

A. No.

Q. And that you and Mr. Hardy concurred in saying to him that under the circumstances you thought he better go in?

A. No, I am quite sure that never did occur, and I will tell you why.

Q. I don't care for your reason; I don't suppose His Lordship does either?

A. Well, perhaps he don't.

Q. Well, if he does I dare say he will ask you; when did you determine to prosecute this matter as a Government?

A. Oh, well, so far as that is concerned, all along we talked about bringing these men to justice—to have the House take action in it.

Q. Do you mean by bringing them to justice, meaning that the House should take action?

A. That the House should take action; I think the question of prosecution for a conspiracy did not arise until the last two or three days.

Q. Do you say that the question of the prosecution for a conspiracy arose during the last three days?

A. That is my recollection.

Q. When would you put that?

A. It was a period quite near the 17th March.

Q. Do you mean before the Sunday?

A. Well, I was not here on the Saturday, nor was I here only part of the Sunday; I had gone over to Niagara Falls on the Saturday, that was the 15th, along with Mr. Hugh Ryan and some others to see the new cantilever bridge, and he and myself returned here on Sunday afternoon; I can't give you the hour.

Q. Was it before you went to Niagara that this matter of prosecuting for the conspiracy had been discussed?

A. Well, now, I am not very clear about that; I am not very clear whether there was any determination to prosecute for the conspiracy until we found the money was actually paid.

Q. Had you contemplated that you would, so soon as the money was actually paid, prosecute for the conspiracy?

A. I can't say that I did, or that any members of the Government discussed it in my presence.

Q. Then it might have been done in your absence?

A. Possibly so; I was not here till Sunday afternoon.

Q. If I understand you rightly, you were not a party to the understanding till the Sunday afternoon that the matter should be prosecuted for conspiracy?

A. That is my recollection of it, but as soon as I became aware of the facts I had no hesitation in endorsing it.

Q. Do you remember seeing the papers that were found upon the men who wer arrested, after the arrest?

A. I never saw them in any shape or way or manner, directly or indirectly, until they were produced to and before the Committee in the presence of all the Committee sitting there.

Q. Where were they arrested?

A. Well, I heard that Kirkland was arrested in the House, or in a lobby of the House; Wikinson was arrested somewhere outside in the city.

Q. Was Kirkland immediately searched?

A. I don't know; I know nothing of that at all.

Q. You heard of this round robin?

A. Yes.

Q. When did you hear of that first?

A. Well, I had heard talk of a round robin perhaps before I went over to Niagara Falls on Sunday; some time during that week, I won't say just when.

Q. Did you hear who had signed it?

A. Not until I heard McKim had signed it when he got the money, that would be after I returned from Niagara.

Q. And you never saw it?

A. I never saw the round robin; I would be only too glad to have seen it; I would have liked to have produced it before the committee; it was a paper that I would have liked to have found; I did not find it, and I have no reason to know—

Q. Do you know whether it was found on Wilkinson or Kirkland?

A. I did not understand it was found on anybody; I want to make that as emphatic as I can make it, because an attempt was made to fasten upon me the concealment or the doing away of that round robin; if there are any words in the English language that can make that emphatic I desire to be understood to use them.

Q. Excluding "Exhortation?"

A. No, including "Exhortation," if it would make it more emphatic; I want it understood that I do not know what has become of the round robin, that I never knew what became of it directly or indirectly, and have no suspicion; I heard when I came back from Niagara Falls that McKim had signed the round robin, and after that sometime—whether it was during the course of the investigation before the committee, I think it was, or during these days any way—I heard that Lyon had signed it.

Q. Anybody else?

A. No.

Q. Was the paper read to you that Mr. Mowat read to the House?

A. I have been trying to think whether I heard that paper; I know that it was not in shape till three o'clock; I know it was not in shape to be submitted to the House until six.

Q. Who was working at it in the interval?

A. I think the Attorney-General, because he was to be responsible for it.

Q. Was it read to you or shown to you?

A. I don't think it was, I have no recollection of seeing it at all.

Q. There was an election bill, an amendment to the election law, introduced last session?

A. There was.

Q. And towards the close of the session, the very last hours of the session, there was an amendment made to your bill?

A. You mean to the Government bill, yes.

Q. Had you charge of the Government bill?

A. No.

Q. Who had charge of it?

A. The Attorney-General.

Q. And that amendment is to be found in the last three clauses of the Act, is it not, or the last clause?

A. The last or last but one, I think; I am not sure; I am now assuming that you are talking of a certain amendment, because there were a great many amendments.

Q. I am speaking of that amendment which was supposed to help Mr. Dowling; there was an amendment to help the difficulty in which he was?

A. The difficulty which was supposed to exist in this case.

Q. Was there any amendment to help Mr. Lyon?

A. No, I don't think there was any amendment at all to help Mr. Lyon?

Q. Was there not something to help Mr. Lyon in the case of a future election?

A. Well, if you will draw my attention more particularly, I will tell you, but I don't think there was; I don't at this moment recollect that there was anything to help Lyon.

Q. Who was it drew that amendment about Mr. Dowling's case—was it all in one amendment?

A. I think it was all done in one section. I am speaking now, of course, subject to correction.

Q. Do you remember who moved it?

A. Mr. Harcourt moved it.

Q. Do you know who prepared it?

A. I think it was drafted by the Attorney General.

Q. And placed in the hands of Mr. Harcourt to move?

A. Yes.

Q. Had Mr. Mowat declined in the first place to permit that amendment?

A. No.

Q. The effect of the amendment, then: it was intended to do what, so far as Dowling was concerned?

A. Well, putting it in just a few words, not pretending to be over-accurate about it, the disputed point of law in his case was whether or not he had been disqualified by the judgment of the Judges who disagreed on the trial of the election petition, one set of counsel maintaining that he had not been disqualified, another—yourself among the number—I suppose equally entitled to have their opinions weighed, claimed that he was disqualified.

Q. And that was to do what?

A. That was to remove——

Q. Settle it in his favor, that doubt?

A. Yes, that would have settled it, I thought; and speaking now for myself, I think it was a thing that did not altogether depend upon whether Mr. Dowling was to be helped by it or not. The people had to be considered in the matter; that the constituency had been put to the cost of a second election, they had all the turmoil and trouble of the second election, and where there was such great doubt about the law, I thought it was a fair thing for the Legislature to remedy.

Q. I think you, yourself, had given an opinion before that?

A. Yes, I had; I had no doubt myself in my own mind.

Q. You say the view I entertained was incorrect?

A. I thought you were wrong; it is not the first time you have been wrong; we are all wrong occasionally.

Q. I see I must have been wrong, because I see your name and the Attorney General's name?

A. I don't say you are wrong in this case, but I say you are not always right.

Q. Are you?

A. No; I have told you we always make mistakes; I put us all in the same ship. We are like the doctors—we do sometimes make mistakes.

Q. And you were surprised afterwards to find that you were not right, were you not?

A. No, because sometimes the Judges are even found to be wrong.

Q. So you are still of the same opinion, notwithstanding what the Judges said?

A. I have sometimes held to my views of the law notwithstanding the decision, and there are times when you and I are alike in that respect. We are sometimes found to be right.

Q. However, it was a fact. Will you tell me what the date of that was—the date of that amendment?

A. The amendment was introduced on the last day of the session, late at night.

The Chairman.—I see it in the minutes of the 24th March.

Q. So Mr. Dowling, who had been approached in this way, was made comfortable towards the closing hours of the session by this amendment?

A. You are putting one of your catch questions again; if I answered that, yes, it would be a mere catch question.

Q. Suppose you answered it, no?

A. Well, if I answered, no, in a certain sense it would not be right.

Q. That will do for me?

A. No, because I want to be understood in not answering your catch-question in the way you have suggested it.

Q. I am told that the Attorney-General declared at an early stage of the session, or at an early stage when the bill was under discussion, that he did not propose to bring in enactments which would be retrospective?

A. I don't know anything about that, I have no recollection about it, but my own recollection is that we discussed it before the session; I had no reluctance in expressing my own opinion of what should be done.

Q. Was it not a part of the original bill?

A. I understood the Attorney-General, when he drafted the original bill and put it in the printer's hands, had not had time to consider the particular provisions of the section which would be requisite.

Q. Why was it not introduced by the Attorney-General himself as an an amendment to his own bill.

A. I don't know, I don't think there was anything in that at all; the Government had to accept a full responsibility of that being introduced into the bill, or to oppose it; the fact that we did accept it puts the responsibility upon us.

Q. You don't recollect the fact that the Attorney-General, when interrogated at some earlier part of the session, said he would not sanction the introduction of retrospective legislation?

A. No, I don't recollect it; I would not be surprised if he gave any such answer to a question of that kind, that is, if it was intended to cover this particular matter.

By Mr. Caswell.—Q. Had you anything to do with the arrest of Mr. Kirkland—did you order his arrest?

A. No, I did not order his arrest, but I am quite prepared to take all the responsibility that there may be in that connection; you need not bother yourself about that at all; I will take my share of the responsibity that you can put upon a member of the Government; I did not have anything to do with the instructions, but I am prepared to take the responsibility.

Q. Were you the party to order his arrest?

A. In the sense in which you are putting it I think not; I gave no orders and I gave no instructions.

Q. Do you know which member of the Government did?

A. No.

Q. You spoke about his letters which were produced before the Committee on Privileges?

A. Yes.

Q. Were you warned not to open them?

A. Yes, I believe you were present and solemnly warned us not to open them, but we did open them notwithstanding your solemn warning.

Q. You allowed them to go to the newspapers?

A. Yes, certainly; that is to say, the reporters were there taking down the notes of everything that occurred before the Committee, and I read these letters to the Committee, whatever was taken from Mr. Kirkland that we thought to be of any consequence, there were a number of letters that were not read, as you know,—one from his mother, I think, was not read, that is one I recollect especially, because although it contained some things that had a bearing on this case, I thought under the circumstances his mother's letter ought not to be read, and I did not read it; and there were some business letters, and anything of that kind; but any of these letters that were impounded and kept in the Speaker's hands, I read them, and the reporters got the contents of them.

Q. Do you know what was the object of arresting him; was it for the purpose of getting these letters?

A. No; it was for the purpose of punishing him for having attempted, as I believe, and believe still, along with Mr. Bunting and Mr. Meek and Mr. Wilkinson, to attempt to bribe members of the House.

Mr. McCarthy.—Q. Lynch?

A. Well, Lynch turns out to be somebody else; we thought it was Lynch at the time.

Mr. Caswell.—Q. I understood the object of the arrest was not to punish him for bribing, but for conspiring.

A. Well, I am using the words; so far as the arrest was concerned, of course that would have nothing to do with the proceedings in the House, but I have no doubt that the House, having regard to its own matters, would send—as it did—this matter to the Committee on Privileges and Elections in that way and enquire into it, as we did; this Commission is the result of it.

Q. The object was to try him in two places?

A. No, although, as I understand the law, that very often happens; I have known a man to be tried under an indictment for having wounded another, and I have known him to be found not guilty, and I have known him afterwards to be sued for damages and to be found not guilty—so, practically, to be tried in two places.

Q. Is not that the effect of these proceedings?

A. Well, I think it is that Mr. Kirkland has his case under investigation by two bodies; the House could not loose control of the investigation; we had power before to punish for the crime—it was only a question of investigating it; the power to punish existed before, under an Act of last Session, as I understand the law.

Q. Then you have the two modes of trial?

A. Certainly.

Q. That is different from your own view of the matter,—you are not in favour of two modes of trial for the same crime?

A. Well, I would not be in favour of trying any man twice for the same crime, and that would be a thing, I suppose, that the House would be prepared to deal with; if your client is punished by the court, when the House comes to deal with the matter I suppose they would be ready to do whatever was right in principle.

Q. That does not leave it to the law in the matter?

A. As I understand this investigation, it gives a very much wider range than anything that would come in in Mr. Kirkland's case or the case of any of these parties.

Q. I find on the 24th March, when Dr. Dowling's case was before the House, you said "The meanest criminal in the land was tried but once on the same charge"?

A. Exactly.

Q. Yet you take this opportunity—you and the members of the Government—of trying a man twice?

A. Well, if you say the members of the Government, I may say that Mr. Meredith and all his friends were of the same opinion; they did not object to your client or Mr. Bunting or anybody else coming in; they wanted a Commission; they suggested it as well as we did; it was the unanimous opinion of the House; they knew perfectly well at that time that the criminal proceedings (if I may call the court proceedings criminal proceedings), had been taken; every body knew it.

Q. The Attorney-General has said that what McKim and Dowling and these others did was with the approval of the Government; I want to ask you the question that I have asked the others—whether you authorised McKim to ask $2,000?

A. No; you are, I don't suppose intentionally, rather misconstruing the words of the Attorney-General; what the Attorney-General, and what everybody, means when they make use of that expression is, that all that came to their knowledge was done; I, for instance, do not suppose when I talk about having been willing to, or anything having been done with my knowledge, I don't mean to say by that, for instance, that Mr. McKim went to a particular room in the Walker House, that he sat down on a chair there, or that he stood on his head there; I don't mean anything of that kind.

Q. We are told that every approach that McKim and the others made to these conspirators was with the knowledge of the Government?

A. You will, however, understand that the Attorney-General was making a statement upon the information he had at that time.

Q. I want to know whether that approach that he made to Kirkland was with the approval of the Government?

A. Certainly not.

Q. They did not ask him to ask $2,000?

A. Certainly not; I am talking for myself, and I have no doubt for the others.

By Mr. BLAKE.—Q. Would you just explain a little as to the need for that alteration of the election law, and how it came to take place, and what your opinion upon that was?

A. Well, a short statement of the case, I suppose, would be this: that after the general election of 1883, I don't recollect the exact date of that election, but after that election, Dr. Dowling's election was protested; he was elected for South Renfrew; it was tried before two judges according to our law (the Chancellor and Mr. Justice Cameron, now the Chief Justice of the Common Pleas). They did not agree in their judgment—I am giving generally—they did not agree in their judgment; the result of that was that it was claimed by some who gave an opinion—amongst others, myself—that Dr. Dowling was not disqualified, and that the result of the judgment left him qualified, therefore, to be re-elected.

Q. In other words, your conclusion, in which the Attorney-General, as I understand you, agreed was that under that Act there must be a concurrence of opinion of the two judges before the member was disqualified?

A. Precisely.

Q. And, therefore, in this amendment were you or were you not carrying out what you supposed to be the effect of the legislation as passed?

A. Just carrying that out and no more, and carrying out what was intended to be carried out long before the session; before we came together the matter was talked over, as I understand it, and long before there was any talk of this bribery at all.

Q. And it was your intention, whether right or wrong, to explain the Act to mean what you intended that it should, and what you thought it did?

A. Yes; and I will go further and say, that had this conspiracy, or so-called conspiracy, never arisen at all in any shape, manner, or way, the same legislation would, as I understand it, be introduced.

Q. Had the passing of that, directly or indirectly, anything to do with Dr. Dowling or his seat!

A. Not the least, except, of course, it affected his retention of his seat.

Q. But anything to do with regard to his voting for the Government, or any influence?

A. Oh, no; if I can use any words that are stronger than others I wish them to be understood to be used, when I say that all these men—McKim, Dowling Balfour and Cascadden—all these men were, so far as I could have any belief or form any opinion at all, perfectly loyal to the Government; they never wavered at all in any sense; they allowed these approaches to be made, but they never thought of entertaining them; there was no corrupt intent on their part.

Q. Then this statement that was made by the Attorney-General was the one which you had intended was to be presented to the House?

A Yes.

Q. And that was begun to be drafted on the Monday, as soon as he was informed of all the circumstances?

A. You see, although we were informed there was information on the Monday of the payment of one amount of money, then at noon the circumstances, so to speak, changed, or at least when the interval came between the morning sitting and the afternoon sitting another payment was made to another, and that of course had to change the character of the statement; the result of it all was that the Attorney-General's statement was not ready to be presented to the House till after we rose at six o'clock.

Q. When did you resume again?

A. The ordinary time for resuming would be half-past seven, but it may have been a little later, and very likely was; the statement was presented to the House, the disclosure was made to the House within twelve hours after the payment to Balfour.

Q. And it could not have been done much earlier than that, for the statement was not prepared until after six o'clock?

A. I think it could have been done as soon as the House sat at half-past seven o'clock, but I have no hesitation in telling you why it was not done then, as far as I know. Our information received—and it seemed to be pretty general—was that Mr. Meredith, as leader of the Opposition, would, when we went into Supply that night, move a motion on what was called the timber policy. The result of what we have been told was that Wilkinson had been affirming that Mr. Meredith and Mr. Kirkland had had interviews, and that the result of these interviews was the resolution to be formulated by the Opposition. Well, now, if that were true, of course, having regard to the nature of the conspiracy—I call it conspiracy—having regard to that, it seemed to me, and it seemed, I think, to other members of the Government, to be important as a matter of evidence, if Wilkinson had made these statements, to afford an opportunity for moving that resolution previous to any statement being made to the House, and, therefore, immediately when the House met at half past seven, the statement was not made, but the ordinary motion to go into Supply was made. Mr. Meredith did not make any motion. We went into Supply, remained there a few moments, and came out of it for the purpose of the statement being made, so that the night would not close without the statement being made.

Q. Why was it, when you first heard of these various approaches, that you did not then take the proceedings, instead of waiting?

A. The reason why, so far as my own judgment is concerned, is that we ought to have something more than mere offers, in order to bring home to these men this thing that they were attempting to perpetrate, and bring them to justice. It would be desirable to have something more than mere offers. They were offering money and other inducements. If something tangible of that nature passed, then we would have something like testimony. No other reason at all.

Q. Then you were desirous of making some explanation of what you meant by the statement which was given to you by my learned friend: "I am prepared to take the fullest responsibility for advising that endeavours should be made to trap these people," and this: "I would have trapped them if they had approached me?"

A. What I mean by the word "trap" there, as I was using it, was that I considered that by what I advised, so to speak—that they should be allowed to go on and make their offers and formulate their whole scheme—we should get at the understanding of what they were endeavouring to do.

Q. In fact you were allowing them to fall into their own traps?

A. The trap was made by themselves; they were making it from day to day; they dropped into it; I did not advise anything that would look like an active approach to these men; nothing in the nature of sending anybody to them; nothing in the nature of suggesting that anybody should go to them, but when I heard, as I did from time to time, that Wilkinson wanted, for instance, McKim to go and see Bunting, or wanted that Balfour should go and see Bunting, or Dowling should go and see Bunting, I saw no reason why they should not go and see Bunting and hear what he had to say.

Q. Your colleague, Mr. Pardee, was asked whether he did not say to you or to others that if the scheme succeeded "we would catch them;" did you ever make use of any such expression?

A. No; if anybody says that, I have no hesitation in saying it would be a lie.

Q. And another, "If our little scheme works we will catch them?"

A. No; there was no scheme.

Mr. McCarthy.—It was a trap, but not a scheme.

Q. No such statement was made between yourself and Mr. Pardee?

A. No.

Q. Then I will just ask you this, being a charge against you, as to whether there is any truth in this statement, "That knowing that attempts were being made to corrupt members of the House, you, with your colleagues, induced members of the House to approach the persons who were said to have been engaged in this work, for the purpose of inducing them to make corrupt offers, and to entrap others not engaged in the matter in the same criminal acts;" is it true or not?

A. It is true that we knew of corrupt offers being made to members; we had knowledge of these offers being made, but the balance of the accusation is entirely untrue and false; no truth in it whatever.

Q. Is it true as to your inducing them to make corrupt offers for the purpose of entrapping others?

A. That is not true; it is false.

Mr. McCarthy.—Does your Lordship understand that this is a continuation of the inquiry before the House?

The Chairman.—No, it is an independent inquiry.

Q. Do you think that correctly represents the examination of Mr. McKim before the House? (Mr. McCarthy puts a copy of the printed votes and proceedings in the hands of the witness.)

Mr. Blake.—I object to that; I object whether it be so or not.

Witness.—I couldn't tell you.

Mr. McCarthy.—I wish to show the context in which this statement was made before; that is, Mr. Fraser's own statement; is that correctly taken down?

Mr. Blake.—I have no objection to that.

Witness.—I think it is substantially correct.

Q. Would you say that these questions preceding it were substantially correct too; three or four questions preceding it?

The witness here read from the document as follows:—

Q. "Did you obtain his advice with regard to the course you were to pursue?"

A. "Yes, he told me to go on.

Q. "And you went on under the advice of the Commissioner of Crown Lands?"

A. "I went on.

Q. "You continued to report, from time to time, to the Government?

A. "I did.

Q. "To what other members of the Government did you report?"

A. "To Mr. Fraser and Mr. Hardy."

Q. Those questions and answers you have read?

A. The first question referred to the Commissioner of Crown Lands.

Q. Are they substantially correct?

A. I think so; I think they were put.

Q. Put and answered in that way?

A. Yes, then when my name was mentioned I think I made the remark.

The CHAIRMAN.—These questions referring to Mr. Fraser.

Mr. McCARTHY.—The last one, my Lord.

Mr. McCARTHY.—At the time that this amendment about Mr. Dowling's case was pending, Mr. Dowling's second election I think had taken place?

A. I think it took place before the session.

Q. And there was to your knowledge at that time a petition pending against him to unseat him on this very ground—he had been disqualified?

A. Well, I am not certain whether the petition was fyled, but I have no doubt in my own mind there was some talk of a petition being fyled, so that there was very little difference.

Q. The result would have been to interfere with the pending suit—that is what you desire to do?

A. If my view of the law were incorrect, it would not have interfered.

Q. Then your opinion was that it needed no legislation?

A. Yes.

Q. If your view of the law was incorrect, then you desired to supply by legislation what would have been a bar to the suit?

A. Yes.

The CHAIRMAN.—I understood Mr. Fraser to say that the amendment had nothing to do with Dr. Dowling's case; that it had no intention to.

WITNESS.—It would have affected Dr. Dowling's case.

Q. There was no other case it would have applied to?

A. The same section would have applied to others in some particulars; it covered Dr. Dowling's case, and it was understood to cover Dr. Dowling's case; it was argued out in the House on that ground, but I say at the same time that that particular amendment, or an amendment of that character, was settled—as my recollection is—as one of the things that would occupy the attention of the House, long before the session commenced.

Q. Did you communicate with the Speaker at any time, or was there any communication made to him, about the attempts that were made on the members of the House?

A. I don't think it; my impression is I certainly made no communication to him.

Q. To your knowledge no communication was made to him until it was made to him in the chair?

A. Well, unless he had some reason to believe, from the fact of the envelopes being placed in his hands; that is the only way I would suppose, so far as I have any knowledge.

Q. That was on the Monday?

A. I think so; that was on the Monday I think the money was placed in his hands; I think he was away on the Sunday out of the city.

The CHAIRMAN.—How long do you expect, Mr. McCarthy, the rest of the evidence will take?

Mr. MCCARTHY.—I want to see to-night; I have not had an opportunity of reading the evidence at all; I have all these witnesses here—Dowling and McKim and the rest of them—but I want to see what they have said, and I do not want to call them except to supplement what they have stated.

Commissioner SCOTT.—Do you think you will get through to-morrow?

Mr. MCCARTHY.—I really can't tell; I just came from Barrie this morning.

Adjourned at 4.45 p.m. till 10.30 a.m., to-morrow.

SATURDAY, October 4th.

The Commission met at 10.30 a.m.

WILLIAM LEES, called by Mr. McCarthy.

Q. You have been sworn already?

A. Yes.

Q. You are a member of the Legislative Assembly?

A. Yes.

Q. And were present during the last session?

A. Yes.

Q. Did you know or hear anything—any rumor about these charges?

A. Oh, I did hear a little.

Q. Was there any approach made to you by any person?

A. Well, I may say it was an approach in a manner.

Q. What was your position—in what way were you elected—as a supporter of the Administration, or the Opposition?

A. By both parties—as a Liberal Conservative, not bound to either of the parties.

Q. Was there a contest?

A. Yes.

Q. Both parties centered on you, and you were elected by a large percentage of both parties?

A. Yes.

Q. As a Liberal Conservative free to do as you thought proper?

A. Yes.

Q. So that the course that you might take was uncertain?

A. It was left to my own judgment.

Q. Was there any approach made to you under these circumstances?

A. One approach, if I may so call it.

Mr. Blake.—When this witness's name was called yesterday, I took the objection that, unless under this charge his evidence was brought home to the four gentlemen mentioned, it would be impossible to proceed with him, and the Commission so ruled. It was said that it would be brought home through Mr. Caldwell, but when he was examined he utterly disproved it.

The Chairman.—Of course we do not know for what purpose Mr. McCarthy wanted to examine this witness, but if for the same purpose as yesterday, I do not think his evidence can be gone into.

Mr. McCarthy.—I was not here when Mr. Caldwell was examined, but I understand that to a certain extent he laid a foundation for the reception of this evidence. I submit that the matter was not finally determined.

Mr. Blake.—Certainly it was.

The Chairman.—I think it was finally determined. We determined that the examination of Caldwell should be received after Mr. Lees, saying that he was going to tell what Caldwell said to him, but I do not think we can proceed with his evidence unless it is connected with the charge.

Mr. McCarthy.—Does your Lordship take that narrow view of the matter directed to be inquired into by the Commission?

The Chairman.—I do not think it is a narrow view, but at any rate we take the view that the evidence is not admissible unless in connection with the charge as named.

Mr. McCarthy.—Until this charge is brought home to the Ministers?

The Chairman.—Certainly.

Mr. McCarthy.—In the trial of election petitions, matters of this kind can always be gone into.

The Chairman.—I think they cannot, unless the undertaking is made that they shall come under the charges.

Mr. McCarthy.—No, that is not the law, and I have had a good deal of experience. The law is that you can always investigate the charge if you can make that out—you can endeavor to bring it home, and if not, it fails as to that particular matter. I venture to say——

The Chairman.—I think we came to the conclusion I have indicated.

Mr. McCarthy.—And you will not consider it further—or allow further discussion upon it?

The Chairman.—We would ask Mr. MacMaster if he would undertake to connect the evidence, and he would not give us any undertaking.

Mr. McCarthy.—No, we cannot do that.

Mr. Blake.—And then he said he would examine the witness, and the witness utterly disproved it.

The Chairman.—And he dropped the matter, as I understood.

Mr. McCarthy.—No, Mr. Lees stood down until Mr. Caldwell's evidence was given.

The Chairman.—I think after the evidence of Mr. Caldwell this evidence would be a mere roving inquiry, not directed to the charge.

Mr. McCarthy.—The question is whether it is admissible. Now, if a corrupt offer was made to influence this member, I do not see why evidence on that point is not pertinent to the charge.

The Chairman.—It is not a general charge as to offers made to members of the House.

Mr. McCarthy.—There is no name in the charge.

The Chairman.—There are names in the particulars—that is as to Mr. Meredith's charge.

Mr. Blake.—Mr. Fraser, Mr. Pardee, Mr. Hardy and Mr. Mowat were mentioned in the particulars, and it was said there was nothing to connect Mr. Lees with them. The answer was it was through Mr. Caldwell that that was to be done. The Commission ruled that this connection should be established first, and Mr. Caldwell was called and disproved it utterly. They then went on with another witness in the same branch of the case.

Mr. McCarthy.—I quite admit that in a strictly criminal investigation that is a rule—that is to say, before you can give the evidence you must satisfy the Court that there is some evidence to connect it with the case. But in a matter of this kind, I should have thought that strictness would not have been insisted upon by the defendants, or at all events if this liberty were asked it would have been acceded to by the wise discretion of the Court.

The Chairman.—I think we have used our discretion to a very large extent in favour of the charges made, but there must be a limit somewhere.

Mr. McCarthy.—Then Mr. Lees may stand down.

Edward J. S. Vicars, called by Mr. McCarthy, and sworn.

Q. Where do you reside?
A. In the city of Toronto.

Q. What is your business?
A. Agent

Q. Do you know Mr. Pardee?

A. Yes, by sight.

Q. Do you know Mr. Hardy and Mr. Fraser?

A. Yes, by sight.

Q. Do you remember the 17th of March last?

A. I do.

Q. Do you remember, some days before that, seeing these gentlemen, or meeting them, or any of them?

A. I do—several days before that.

Q. How long before?

A. It may have been three or four days.

Q. Where was it?

A. I saw them in the House during the session—some of the sessions, and I saw them on the street. To what occasion have you reference?

Q. The occasion you met them on the street I believe?

A. On Wellington Street.

Q. Yes?

A. On the corner of Wellington and Simcoe.

Q. What time was it?

A. Somewhere between six and eight o'clock; it may have been between six and seven, but it was between six and eight at all events.

Q. Where were they going to, and in what direction?

A. They were going west.

Q. What were you doing?

A. Standing on the corner.

Q. What were you doing?

A. Attending to a little private business of my own.

Q. Did you hear anything pass between them? Whom did you see?

A. Mr. Hardy I saw first, being the nearest.

Q. Whom was he with?

A. Mr. Fraser.

Q. Did you hear anything said by either of these gentlemen to the other?

A. I heard Mr. Hardy say to Mr. Fraser "if our little scheme with Balfour works, we will fix them." Those were the words he used.

Q. Did you hear the reply?

A. No, I didn't. They had gone too far past to hear anything distinctly.

By Mr. BLAKE.—Q. What is your occupation?
A. Agent.

Q. Agent for what?
A. Nothing special.

Q. Your own agent?
A. If you like.

Q. No, no; you are under oath, it is not my liking; agent for what?
A. For nothing special. I have been agent for a variety of businesses.

Q. And on the 17th of March what were you agent for?
A. I was not agent for anything on that day.

Q. How long have you been an agent?
A. For the last fifteen or sixteen years, at different times.

Q. Where have you resided?
A. Different places; Montreal, Toronto, Pickering, and different parts of the country.

Q. In Montreal, Pickering—where else?

A. It would be pretty hard for me to tell you, for I have been in a good many places, Winnipeg, Emerson—

Q. A rolling stone, seemingly?
A. A rolling stone.

Q. Gathering no moss?
A. Yes, considerable.

Q. At street corners?
A. Different places; sometimes one place, sometimes another.

Q. How long have you been in Toronto?
A. I have been in Toronto as a resident for nearly five years.

Q. Had you any occupation on the 17th of March last?
A. I cannot say that I had any special occupation.

Q. No visible means of support?
A. Oh, yes.

Q. What was that?

A. Well, if money was a means of support, I had a little of that—I generally have a little.

Q. Did you get much since the 17th of March?
A, About as much as I generally made. Enough to keep me alive.

Q. You have been at so many places the last few years that you could not enumerate them, and what you have been doing you do not seem anxious to tell?

A. Oh, yes, if you send to Montreal and inquire from the Grand Trunk Railway Company.

Q. I am inquiring of you first?

A. I was agent in Montreal for the Thompson & Murray shipping company.

Q. But in Toronto, because we might inquire more easily here?

A. In Toronto, Girdlestone & Brown.

Q. What business are they in?

A. The tobacco business—the Globe factory at Windsor

Q. How long did you remain as agent there?

A. I was with them for over a year.

Q. Then in Toronto with whom else were you agent?

A. I was not with anybody else. Yes, I was with Meagher & Co., cigars.

Q. How long were you with them?

A. I do not remember how long; they failed and went away.

Q. You were not the cause of the failure?

A. I might have been, though they did not say so.

Q. Were you with anybody else except those two firms in Toronto?

A. I was with Fitch & Davidson, I was only there for a short time.

Q. Ten days or a fortnight?

A. More than that I think.

Q. Much more?

A. It might have been two months.

Q. And it might not have been?

A. Yes.

Q. Something from a week to two months?

A. Yes.

Q. That is all that you could get in with them; anybody else beyond these three in Toronto?

A. I have worked for other parties but not as long.

Q. But the agency—we would like to get at that first?

A. I do not know that I have been actually agent for anybody else except those three.

Q. With whom else have you worked?

A. With Warren Bros., wholesale grocers

Q. In what capacity?

A. As a shipper.

Q. How long were you with them?

A. Something over a year.

Q. With whom else did you work?

A. I have been working for Colonel Otter.

Q. What kind of work?

A. In connection with the Ontario Rifle Association.

Q As what?

A. As Orderly.

Q. Was that going messages, looking after horses, touching hats, and so forth?

A. Yes, the same as a soldier generally does when he meets a superior officer.

Q. How long were you an Orderly?

A. During the matches, that is all.

Q. What other means of occupation have you?

A. Well, it would be hard to remember everything. If I had been aware that you would require this information, I would have made out a list.

Q. Do you keep a diary?

A. Yes.

Q. You can write.

A. I think so.

Q. You are not sure?

A. Well, I may as well say that I am sure that I have written.

Q. That is your idea of an oath, it doesn't matter whether you tell the truth or not; you may as well say it or not?

A. No, I don't look at it in that light. A man is supposed to tell the truth when he is on oath.

Q. It is only supposition?

A. Put it in that way if you like.

Q. Excepting the Orderly business, what else?

A. Well, I do not know that I recollect anything else at present.

Q. Then how did you live; you have only given me about two and a half years; how did you live the balance of the five years?

A. I have a little money of my own.

Q. Had you money when you were with Fitch & Davidson?

A. Yes.

Q. How much?

A. I do not know that that is necessary to this inquiry.

Q. You are not going to be angry and refuse to answer?

A. Well, I do not see that I am called upon to bring my private business before the Commissioners.

Q. How much money had you when you entered with Fitch & Davidson; did you keep a bank account?

A. No, I did not.

Q And the money you had, where did you keep it?

A. Wherever I was in need of it most.

Q. Were you always so needy that you couldn't keep it?

A. Oh, no, I can keep it or spend it; though I can spend it a good deal faster than I can make it.

Q. Oh, that answers my question about Fitch & Davidson; you do not keep a bank account?

A. No.

Q. You do not pay your debts by cheques?

A. No, not lately.

Q. Since when did you last keep a bank account?

A. Eight years ago.

Q. Where?

A. In Montreal.

Q. What bank?

A. Molson's.

Q. Who was the manager?

A. You will have to get somebody who had a better memory for a long time back than I have.

Q. Isn't your memory pretty good?

A. Yes, for a year or so, but longer I do not remember so well.

Q. It fades away then. What is the largest amount you ever had in deposit in that bank?

A. I do not think it is necessary to answer that question, and I refuse to answer it unless the Commissioners say I have to.

Q. Oh, I would not hurt your feelings at all or enter into private matters more than is necessary. Now, within the last year have you had any business except being orderly to Colonel Otter?

A. Well, perhaps you might not call it business, but I have been doing business.

Q. Well, what was it, and we will judge?

A. Is it necessary for me to answer such questions, my Lord?

The CHAIRMAN.—I think Mr. Blake has a right to ask these questions.

A. Well, I have been acting for my father to a certain extent, collecting.

Q. Does your father live in town?

A. Yes.

Q. What is he?

A. He is agent at present for the London Society for Promoting Christianity amongst the Jews. Probably you know it, as I have received subscriptions from you for that purpose.

Q. Are you sure of that?

A. Yes.

Q. Quite sure?

A. Yes.

Q. Quite sure that I gave it.

A. Not gave it, but that I saw you. I spoke to you at the door of your office on Adelaide street. You were in a hurry getting into a cab, as you were going to New York. I spoke to you and you said you would send it.

Q. Now, how long have you been engaged in the Jews' business.

A. Off and on for the last year.

Q. Independently of that have you been engaged in any other class of work?

A. No.

Q. Any other class of work?

A. No.

Q. What has been your commission on the collections for the Jews?

A. Whatever my father chose to give me.

Q. Do you take a Jew's or a Gentile's commission?

A. I do not take anything?

Q. Your memory is very accurate—good memory—how much did you get last year as your salary?

A. I would not like to say how much because I have never drawn the full amount?

Q. There is something to the good?

A. Yes.

Q. How much did you collect?

A. I cannot remember.

Q. Over $50?

A. Probably over $500.

Q. What was your commission, five or ten per cent.?

A. Ten per cent.

Q. Where do you live?

A. On Sherbourne Street.

Q. With whom?

A. My father.

Q. How long have you been living there?

A. Ever since I have been in Toronto, with the exception of some odd periods I have been out of the City.

Q. Whom did you first know of Mr. Hardy, Mr. Pardee, and Mr. Fraser?

A. Well, I do not know that I knew either of them first. They had been pointed out to me in the House during the session.

Q. Were you there simply to pass the time?

A. Yes.

Q. Nothing better to do, and you wandered in there?

A. Yes.

Q. You cannot say which was pointed out first?

A. No, because I think it was probably four or five years since they were pointed out.

Q. How often did you see them down at the House during last session, or did you see them last session?

A. Yes.

Q. How often have you been down there?

A. I could not say; I didn't keep a memorandum of how often.

Q. You couldn't recollect at all?

A. No, I would not swear.

Q. Did you ever speak to any of them?

A. No, I do not think I did. I had no business with them, and had never had any personal acquaintance with them; I simply knew them by seeing them.

Q. Did you meet them more than once on the street?

A. I do not know. I might have met them several times, but I do not remember.

Q. You say you met them on the corner of Wellington and what other street?

A. Simcoe.

Q. Where had you been that day?

A. I had been in the City at several places, I think probably I had been at the House, but I am not sure.

Q. Do you recollect the day of the week?

A. It was either the Thursday or the Friday.

Q. You could not be sure of either of those days?

A. No.

Q. What hour?

A. Between six and eight in the evening. I think very likely between seven and eight, but to be safe I say between six and eight.

Q. Which way were you going?

A. I was standing on the corner.

Q. Which corner?

A. The north-west corner.

Q. Do you recollect where you were going and where you were coming from?
A. Yes.

Q. Where had you been last?
A. I had just come from home.

Q. Straight down from Sherbourne Street?
A. As straight as you can come; you cannot come straight from Sherbourne Street.

Q. Not if you are not drunk?
A. No.

Q. Where were you going?
A. I was just going to where I stopped at the time—the corner of Wellington and Simcoe Street.

Q. What was the object of your going there?
A. Well, that is private business of my own; I don't see that it is necessary to this inquiry.

Q. But I should really like to know; you were not seeking after the Jews?
A. No.

Q. That was your only legitimate business or occupation?
A. Well, a man is not working all the time, night and day; and if a man is doing something for himself he might be on business or on pleasure.

Q. Do you recollect whether there was snow on the ground?
A. Yes, there was a little, I believe.

Q. Will you swear?
A. There was none on the sidewalk.

Q. You were not engaged in cleaning the sidewalk?
A. Not exactly at that time, though I have cleaned sidewalks.

Q. But you didn't go there for that purpose?
A. No.

Q. You will not tell me what you were doing there?
A. I do not think it is necessary that I should go into my private business.

Q. But you will not tell me?
A. Not unless their Lordships require that I should.

The Chairman.—I do not know that that is a question you are bound to answer.

Q. You do not like to tell?
A. I would have no hesitation at all, only it is a private matter.

Q. Will you tell me how long the appointment was going to last?
A. I could not; it might last an hour or two hours.

Q. Were you going to meet somebody?
A. Yes.

Q. I would not ask whether it was a gentleman or a lady?
A. No, of course not; that would not be fair.

Q. Did you meet a party there?
A. Yes.

Q. How long did the meeting last?

A. Well, now, that is a difficult matter for a man under certain circumstances to know just exactly.

Q. And these were circumstances of that class; it would be hard to count the time?
A. Yes, they were.

Q. Did you meet the party before you met Mr. Fraser and the others?
A. No.

Q. She kept you waiting?

A. Well, no, I don't know that she kept me waiting; I was there before my time, probably. I am generally ahead of time.

Q. You would not have missed the appointment for a good deal?
A. No, I would not.

Q. Of course not; but we will not pursue that any further?
A. No, I do not think it would be advisable.

Q. Was it cold?
A. Some people might think it cold.

Q. But you were kept warm by the pleasure of the appointment?
A Yes, that will do very nicely.

Q. How long was it before you left the corner after these gentlemen passed down?
A. I don't know how long; I think it was eight o'clock when I left the corner.

The CHAIRMAN.—Q. That would be the corner of the Government House grounds?
A. Yes.

By Mr. BLAKE.—Q. That is the place where you made the appointment?
A. Yes; you have got it nearly all now.

Q. Which way did they go?
A. From the east.

Q. They were walking along Wellington street?
A. Yes.

Q. When did you first observe them?
A. As they were coming across Simcoe street.

Q. Did you know who they were?

A. Not until they got close up to me.

Q. Did they continue walking on Wellington street?

A. Yes.

Q. How far?

A. I do not know; I did not watch them after they passed the corner, knowing who they were; knowing who they were, I had an idea of where they were going.

Q. Were there just the two?

A. Yes.

Q. Did you know anybody else that had passed along that corner that evening with the exception of the one we are not going to refer to?

A. No, I did not; I saw nobody else pass that corner that I was acquainted with.

Mr. Commissioner Senkler.—I thought there were three instead of two?

Mr. Blake.—I have it so noted, but we will come to that.

Q. When they were across the corner, how far were they before you observed them?

A. I think they were about the centre of Simcoe street.

R. And what first attracted your attention?

A. Nothing special; they were walking along arm in arm coming towards me.

Q. Which of them was nearest to you?

A. Mr Hardy.

Q. Who spoke?

A. Mr. Hardy.

Q. He would have seen you there?

A. He might have seen me if he was looking straight at me; he would not have seen distinctly, because it was dusk.

Q. You would not say whether he observed you?

A. I think he must have when he got close up to me.

Q. How close?

A. Well, within two or three feet; he could have seen there was someone, but he could not tell whether it was a man or a woman, perhaps.

Q. Then did you know whether these were men or women until they got within two or three feet of you?

A. Yes.

Q. Have you second sight? How did you see better than they?

A. Well, I was looking at them coming across the corner, and Mr. Hardy and Mr. Fraser might not have been looking at me; if they were looking specially at me they would probably have seen me.

Q. Now, was it just when they got within two or three feet of you that you heard them speak?

A. Yes, they were within about that distance when I heard the first word that I could understand.

Q. You were standing at the corner; did you know which street she would come down?

A. Well, if you are going to put it that way——

Q. Well, I thought you might be looking up one street or another.

A. I didn't say it was a she.

Q. Well, we have passed all that; you were standing still?

A. Yes.

Q. Which way were you facing?

I was facing towards the east.

Q. And facing towards the east, within two or three feet you heard some portion of the remark; you say now they were walking along Wellington street—were they walking fast?

A. No, slowly or a medium pace.

Q. And they walked that pace past you; and what was the first thing you heard?

A. The sentence I made use of just now

Q. Now, was it Mr. Hardy that was walking with him?

A. Yes.

Q. And he was walking with Mr. Pardee?

A. No, with Mr. Fraser.

Q. Are you quite sure?

A. There were only two, therefore Mr. Pardee could not be there.

Q. Now, you mentioned when you were asked, I think, that you knew the three by sight?

A. Yes.

Q. And you said you remembered meeting them three or four days before the 17th of March; you didn't mean that you met the three?

A. No, I didn't mean that.

Q. Which two did you mean that you met?

A. Mr. Hardy and Mr. Fraser.

Q. Did you hear Mr. Fraser say anything?

A. Nothing that I understood, though he may have spoken without my hearing what he said.

Q. And this came out just as they were within two or three feet of you and just going past. Now, what was it you heard them say?

A. The words Hardy used were these: "If our little scheme with Balfour works, we will fix them."

Q. He didn't say, with Mr. Balfour, but with Balfour?

A. No, he didn't say Mr.

Q. Please say that over once again, because I didn't understand you gave it in that way in the first instance?

A. If our little scheme with Balfour works, we will fix them. Is that near enough?

Q. No, that is a long distance from it. Try the third time and see?

A. If our little scheme with Balfour works, we will fix them.

Q. It was not, "If our little scheme works with Mr. Balfour?"

A. No, there was no Mr. in the case at all.

Q. Except yourself, of course?

A. You can make me Mr. if you like.

Q. Well, it would not be making you?

A. Well, if I am one I am satisfied.

Q. Did you hear any answer to that?

A. Nothing distinctly, nor could I swear that I heard any sound, for they got too far past.

Q. Did they recognise you at all?

A. No, they didn't know me; they may not have seen me for six months before to-day.

Q. Now, when was it that you first mentioned to any person what you heard that evening?

A. I do not remember what the date was, but it was some time afterwards—I do not remember how long.

Q. Well, to whom was it?

A. Young Mr. Langtry.

Q. Has he got a Christian name?

A. I believe he has.

Q. What is it?

A. Ernest, I think.

Q. You cannot tell me how long after?

A. No.

Q. No idea?

A. No, I could not swear to any time; it was between then and now.

Q. You are sure of that?

A. Yes, quite sure of that.

Q. And you could not get any nearer than that?

A. Well, perhaps I might come down to a week nearer.

Q. Well, try to give us that?

A. Well, it was previous to the first of this week, so it was between the 17th of March and the first of this week.

Q. You never mentioned to any person about this until the first of this week?

A. I didn't say so.

Q. Didn't you; well, I misunderstood you?

A. I think you did.

Q. I asked the first person to whom you mentioned it, and you gave me the name, and I asked you when it was?

A. Yes, I did.

Q. You said then it was the first of the week?

A. I beg pardon. I said I could not give the day, but that it was between the 17th of March and this week. You wanted to know if I could get nearer, and I said that.

Q. Can you tell me whether it would be as early as the month of June or July that you mentioned it, or would it be as late as September?

A. It was before September.

Q. As early as August?

A. I think it was before August.

Q. Will you swear to that?

A. I think it was as near as I can remember about the 24th of May.

Q. To whom else did you mention it, except to Mr. Langtry?

A. I don't know, but I believe I spoke of it to Mr. Meek.

Q. When was that?

A. I believe somewhere about the same time that I mentioned it to Mr. Langtry.

Q. About the 24th of May?

A. Yes, about that time.

Q. Where was it you first mentioned it?

A. In the drill-shed when I mentioned it to Mr. Langtry.

Q. Was that when you were doing orderly work?

A. No, it was not.

Q. How did you come to mention it to him on the 24th of May?

A. I did not mention it on the 24th of May.

Q. You said on or about the 24th of May?

A. No, I said about the 24th of May.

Q. How did you come to be there about the 24th of May?

A. Well, we were members of the same regiment, and we were talking over this bribery matter, and I incidentally mentioned the matter there.

Q. Why do you say incidentally?

A. Well, it just came out in conversation, and I had no intention of anything when I mentioned it.

Q. Do you belong to the same party in politics as Ernest Langtry?

A. I do.

Q. Both Conservatives?

A. Yes.

Q. Are you as strong as he?

A. Well, I don't know how strong he is; but if you can get anybody much stronger than I am, I would like to see the man.

Q. Well, I owe you one for putting that so distinctly?

A. Thank you.

Q. You didn't mention to anybody that evening what you heard?

A. No, I hardly think it likely; you had me down as meeting a "she" there, and I do not know that she is interested in politics, and I hardly think I would have mentioned it.

Q. Perhaps you had something more interesting to talk over?

A. Probably we had something more interesting to talk over at the time.

Q. I hope interesting still on both sides?

A. Thank you; perhaps it is, I would not say.

Q. You didn't follow that up by going on the street corner the next evening. Did you go the next evening to see if you could pick up anything?

A. No, I didn't; I didn't go again that week.

Q. You had enough of it that evening?

A. Well, two or three times a week is enough for me generally.

Q. Is this a part of the agency you were engaged in, this street corner business, or is it over and above that?

A. I told you before that this was at night, and that it was private business.

Q. Is that part of the agency you are engaged in when you are off work for the other agency?

A. Well, you would hardly call that agency.

Q. I don't know?

A. You should know.

Q. Why?

A. A man with so much learning as you.

Q. Well, we are dividing the knowledge; I have it in my department, and you have it in yours?

A. And you are looking for information.

Q. Yes?

A. Well, I would not say it was anything in connection with the agency.

Q. Were you ever in Muskoka?

A. I was—not.

Q. Why did you hesitate so long before saying not?

A. Well, when I commenced the sentence I just happened to think that I might have been in Muskoka. Let me see, is Orillia in Muskoka?

Q. No; they would not take you any farther than Orillia?

A. That is the farthest north I have been.

Q. Did you go there with Mr. Langtry?

A. No; it was before I ever saw him.

Q. How long after this was it before you saw Mr. Hardy and Mr. Fraser again?

A. I do not remember.

Q. You do not recollect seeing them on any occasion that you can recollect subsequently to this?

A. No, though I may have seen them several times.

Q. I think you were in the court-room yesterday?

A. I was.

Q. I thought I saw you. You heard these questions put to Mr. Fraser and Mr. Pardee; was it you who suggested the questions?

A. No.

Q. Didn't they ask you what it was you heard them say?

A. Yes; they did previous to yesterday.

Q. Didn't they do it yesterday?

A. No.

Q. Because this was the way in which it was first put: "If the scheme succeeded we would catch them?"

A. Well, Mr. McCarthy didn't put it in the words I used; he merely put it in his own words.

Q. Then the other words were: "If our little scheme works we will catch them?"

A. That was something similar to Mr. Hardy's evidence yesterday, in a general way.

Q. So you are making your evidence agree pretty nicely with his?

A. Yes, in that way; he is a good man to agree with.

Q. You think your statement agreed pretty well with what Mr. Hardy said yesterday?

A. No; I didn't say so at all; in fact, I do not think he made any statement with regard to what I said.

Q. But didn't you just say that it agreed in a general way?

A. Yes; he spoke of pretty nearly all his evidence being given in a general way, and I say that these words that Mr. McCarthy used yesterday were used in a general way. That doesn't make my evidence agree with Mr. Hardy's on this point at all; in fact, I do not know as Mr. Hardy was asked anything about this.

Q. Which of these do you think is the nearest to what took place: "If the scheme succeeded we will catch them;" or: "If our little scheme works we will catch them?"

A. The latter is the nearest, I think.

Q. What fault do you find with that one?

A. I do not find any fault practically, though perhaps two or three words were left out.

Q. But how should it stand, instead of: If our little scheme succeeds—?

A. With Balfour; we will fix them.

Q. Catch or trap them?

A. No; there was nothing about that.

Q. Just give me it again?

A. Will it be better for you if I write it out on paper: If our little scheme with Balfour works we will fix them.

Q. It was not we will catch them?

A. No.

Q. Nor was it Mr. Balfour?

A. No.

Q. You do not recollect any occasion of meeting these gentlemen before or after, or any ocasion on which you saw them subsequently to this period?

A. Well, I have seen them several times this summer; I have seen them on the street.

Q. You were at the House subsequently to the 17th of March; were you present on the 17th of March?

A. I do not think I was—no, I was not.

Q. Were you at the House between the 17th of March and the end of the session?

A. Didn't the session come to an end on that day, the 17th?

Q. No.

A. Well, I may have been there, but I was under the impression that the House closed that night.

Q. You are a great man on street corners, and that is pertinent to the question I shall ask you: do you recollect any occasion in your life as to which you could give a statement you heard from any person in passing?

A. No, I couldn't attempt to go into anything like that; I have heard lots of things on street corners, but I could not attempt to give them.

Q. Were you present when the inquiry was going on in the police court?

A. No, I was not.

Q. Nor at the House before the Committee?

A. No, I was not; this is the first time I have been in any court room where this case has been going on.

Q. It was asked yesterday whether you hadn't met those two in the corridors of the House—either of those three, Mr. Hardy, Mr, Pardee or Mr. Fraser, or two of the three?

A. That question was not asked in my hearing, and I was here all day yesterday.

Q. Do you recollect meeting them in the corridors of the House?

A. No, I do not. It is possible I might have met or seen them there while going in to be present at the session, but I could not swear to it.

Q. On thinking it over, could you give the hour nearer than you have given it, that is between six and eight?

A. No, I could not, though it may have been between seven and eight, but I would not swear to that. It was between six and eight, but I would not swear it was between seven and eight, because it might be a minute or two over.

Q. Which of these two gentlemen was nearest to you?

A. Mr. Hardy.

Q. Were they walking close together, arm in arm?

A. I am pretty sure they were walking arm in arm.

Q. And therefore pretty close?

A. Yes.

By Mr. McCarthy.—Q. You say Mr. Langtry was in the same regiment with you?

A. Yes.

Q. What regiment?

A. The Queen's Own.

Q. He is an officer?

A. He is a non-commissioned officer.

Q. Do you belong to the same company?

A. No.

Q. How long have you known him?

A. I think about three years.

Q. Have you been connected with the Queen's Own for that time?

A. No, I have only been connected with it something over a year.

Q. Then, sometime about the 24th of May you met him in the drill shed?

A. I think it was about that time. We were doing some drilling about that time, and were at the shed pretty often.

Q. And you happened to mention what you overheard?

A. Yes.

Q. Had it occurred to you before—had you connected what you overheard with this matter in your own mind? Was that the first time you supposed it related to this charge?

A. No, I think when I heard of this exposure on the 17th of March or the next day, I think I had an idea then that it may have something to do with it.

ROBERT MCKIM, recalled by Mr. McCarthy.

The CHAIRMAN.—Is there any probability of the examination ending soon, Mr. McCarthy?

Mr. MCCARTHY.—I am just going to ask a question from this witness, whether the evidence given by him before the Police Magistrate is true? It was read to him, and signed after it had been taken by the stenographer, and all I propose to do is to ask this question to connect it with the previous evidence here. That will close my case so far as I know at present, that is, if he says it is accurate. If not, I may have to go over the whole ground again.

Q. You were examined, Mr. McKim, before this Commission?

A. Yes.

Q. And you were examined before the Police Magistrate at great length, and cross-examined?

A. Yes.

Q. Your evidence as given, was taken down by Mr. Bengough, I believe?

A. I believe so; it was taken down by a stenographer.

Q. Was it read over to you?

A. It was.

Q. You signed it?

A. Yes.

Q. Was it, and is it accurate?

A. I believe it is accurate: I made some corrections, and, as corrected, I think it was accurate.

Q. Speaking generally, you re-affirm the correctness of that examination?

A. Yes, what I stated then I believed to be true, and I believe so still.

Mr. MCCARTHY.—I put in a copy of that evidence, and we will mark the passages we think important, for the convenience of your Lordships.

The CHAIRMAN.—Mr. Bunting is in court, and he now has a chance to cross-examine if he chooses.

Mr. MCCARTHY.—I am not acting for him.

The CHAIRMAN.—I simply inform him because he was not present before, so that he may avail himself of the opportunity if he chooses.

Mr. MCCARTHY.—Do you propose to interpose Mr. Bunting's case at present?

The CHAIRMAN.—Mr. Bunting has now an opportunity to cross-examine the witness if he chooses.

Mr. FOSTER.—I may say that this has taken us by surprise, as I thought you would close the investigation as to the present charges, and appoint another day for the others.

The CHAIRMAN.—I gave Mr. Bunting this notice, because the Statute says that if he has the opportunity of cross-examination and does not avail himself of it, that fact may be used against him.

Mr. FOSTER.—I have not had the opportunity of considering the point as to whether Mr. Bunting should cross-examine, but if your Lordships will appoint a day for the others, by that time we will be ready to proceed, and if we conclude that Mr. McKim should be cross-examined on our behalf we would then do so.

The CHAIRMAN.—We do not know that there is to be another sitting of the Commission.

Mr. FOSTER.—I feel it my duty to tell your Lordships that we do not acquiesce in the proceedings under the Commission.

The CHAIRMAN.—Certainly, you have told us that over and over again.

Mr. FOSTER.—And therefore, I say it is that I have not arrived at the conclusion to cross-examine.

The CHAIRMAN.—You have had two or three months to consider that question. Mr. Bunting has been here, I believe, at all the sittings of the Commission since the beginning of September. He has had the opportunity of cross-examination, and we now formally give him this opportunity.

Mr. FOSTER.—That is true, but we did not deem it necessary to arrive at a conclusion until this charge is investigated.

The CHAIRMAN.—But we cannot require witnesses to be kept here merely for the convenience of Mr. Bunting's counsel in that respect. That is no part of our duty. I think you have had an opportunity of making up your mind, and I do not feel at all inclined to give an adjournment now for any further examination.

Mr. FOSTER.—Well, all I can say is that I am not prepared to say now, on Mr. Bunting's behalf, whether we may go on to cross-examine Mr. McKim. As I said before, we do not admit the proceedings under the Commission.

The CHAIRMAN.—We understand that perfectly, for we have had it thrown at us, I may say, a dozen times since the commencement of the Commission.

Mr. FOSTER.—And this notice being sprung on him just now, we are not prepared to go on.

The CHAIRMAN.—The reporter will note that Mr. Foster, acting for Mr. Bunting, says he does not cross-examine the witness.

Mr. FOSTER.—In fact, I do not appear.

The CHAIRMAN.—Well, what are you doing now? We do not recognize you at all then, and Mr. Bunting can say for himself.

Mr. BUNTING.—I placed the case entirely in the hands of my counsel.

The CHAIRMAN.—You have no counsel.

Mr. BUNTING.—Mr. McMaster is my counsel, but he is not here. Mr. Foster is my solicitor. I may say, your Lordships, that I did not expect to be called on in this way, as I understood from counsel that this charge of Mr. Meredith's would be disposed of first, and that subsequently we should have the opportunity of putting witnesses on the stand and having them examined if we chose.

The CHAIRMAN.—We have given notice from the time we met as to the desirability of all witnesses on all the subjects of investigation before us. All the parties, including yourself, since the beginning of September at all events, have had the opportunity of appearing and cross-examining the witnesses. For my own part I cannot consent to an unlimited protraction of the investigation, as there has been a great deal of expense and loss of time, and we have desired in every way to accommodate all the parties. The ordinary business of the courts will prevent us giving much more time to the investigation. You can have an opportunity now of examining Mr. McKim.

Mr. BUNTING—If I had had any idea, my Lords, that I should have been called upon in this way, I would have had the witnesses here and proceeded with the examination. I had no idea of such an intention on the part of the Commission; on the contrary, I had been led to understand that you would appoint some future day when we would have an opportunity of bringing forward our witnesses before the Commission.

THE CHAIRMAN.—At the very commencement of the proceedings, notice was given that we would proceed from day to day, and it was only from the unavoidable absence of yourself, and inability to summon Stimson and Wilkinson that an adjournment took place. It was never intended that it should drag its slow length along from month to month or year to year.

Mr. BUNTING.—During my absence in England, I knew nothing at all of the case, and on my return I left it entirely in the hands of counsel, as I was very busy during the few days since my return, when the Commission was sitting. I never heard or supposed that I would not have the opportunity of going into the box, or of calling witnesses in my own defence, and I hope I shall not be deprived of the privilege of having the case thoroughly investigated in the interests of one who is accused by these charges.

The CHAIRMAN.—You are not prepared to examine on this occasion?

Mr. BUNTING.—No, I am not, for the reasons I have stated.

The CHAIRMAN.—Well, it may be that you have precluded yourself in the future?

Mr. BUNTING.—I hope that such an injustice will not be done me because, with all respect, I do think it would be an injustice.

By Mr. BLAKE.—Q. You say the statement made by you in the Police Court is substantially correct?

A. Yes.

Q. And the evidence you gave before the Commissioners here is substantially correct?

A. As far as I know.

Q. Any corrections you made, if made before the Commissioners in the evidence given in the Police Court, it would stand as correct?

A. Yes. I do not know that there was any material difference.

By Mr. MCCARTHY.—Q. It was read over at the time, and you then made the corrections?

A. Yes, in the Police Court by the Police Magistrate, and I remember distinctly I made the corrections. Mr. Murphy argued one way and I another, and the shorthand writer was called on to read his notes. I was found to be correct, and I signed it as corrected.

Q. You are not conscious that you gave any evidence here that you did not give before the Police Court?

A. No, I am not.

Q. But it was fuller?

A. Yes, because I was cross-examined by four or five lawyers.

Mr. BLAKE.—With regard to the observation of the Commissioners as to further evidence, the Commissioners will remember that at an early period a request was made that there should be time given after the close of the case made on the part of the Crown, and the Commissioners then stated that they would not do that, but would expect the parties to be ready to proceed with their case as soon as the other side was closed.

The CHAIRMAN.—Yes; we gave as full notice as could be given of that at the commencement.

Mr. BLAKE.—And the question was asked at the close if there were any witnesses to be examined, and it was because there were none that this other branch was taken up.

Mr. MEEK.—I understood that Thursday, Friday and Saturday were specially fixed for this charge with regard to Mr. Meredith?

Mr. BLAKE.—Not at all.

Mr. MEEK.—I am positive it is so.

The CHAIRMAN.—It was to be gone on with, but not confined to that.

Mr. MEEK.—No, because it was stated that we would have an opportunity after that charge was finished. Our case is different from both, and we say that we should have an opportunity of putting in our defence.

The CHAIRMAN.—You had ample time from the beginning of the investigation, and if you had made an application to examine witnesses, we would have been happy to give you the opportunity.

Mr. MEEK.—I am not complaining of that, but I am complaining only of the remark of Mr. Blake, that the matter was closed so far as we are concerned. I submit that it is not, and that we should have an opportunity of putting in our defence after the conclusion of this charge.

The CHAIRMAN.—You and Mr. Caswell were asked to examine witnesses.

Mr. MEEK—Certainly; but we proposed to call our own witnesses at the conclusion of this charge, and I understood Mr. Blake to say just now that the matter was closed so far as we are concerned.

The CHAIRMAN.—You and Mr. Caswell both said you had no witnesses to call except those marked on this paper.

Mr. Meek.—I heard that now for the first time. I understood that time was specially fixed for this charge.

The Chairman.—Have you no further witnesses, Mr. McCarthy?

Mr. McCarthy.—No, that is all.

The Chairman.—Then the case on the charge made by Mr. Meredith on the members of the Government is closed?

Mr. McCarthy.—Yes.

A. S. Hardy, recalled by Mr. Blake.

Q. Do you know a Mr. J. S. Vicars?

A. No, except seeing him this morning here. This is the first time I have seen him.

Q. Were you present in court when he gave his evidence?

A. Yes.

Q. Therefore you are aware that he states that on the Thursday or Friday preceding the 17th of March you and Mr. Fraser were walking west along Wellington street, and you came across where he was, and that this expression was made use of, "If our little scheme with Balfour works, we will fix them." Did you at that time make use of that or any expression conveying the same import?

A. I did not; it is untrue.

Q. He states that you were walking arm in arm with Mr. Fraser?

A. I do not recollect ever to have walked arm in arm with Mr. Fraser, and I am satisfied I was not walking arm in arm with Mr. Fraser on the occasion he refers to, for more than one reason. It was the dinner hour at the time he mentions. We were then engaged, at the close of the Session, immediately after dinner, in going into the Council Chamber perfecting measures of legislation, and I had no time to be out. Without being able to speak absolutely from memory, as to whether I was there on the particular occasion or not, I can say that I do not believe I was there at all on that occasion. I seldom go out during the dinner hour, and Mr. Fraser perhaps even less often.

Q. The hour was said to have been between six and eight on the Thursday or the Friday—do you, as a matter of recollection, know what you were doing on the Thursday and Friday between six and eight?

A. I have no particular recollection of those two days. I usually go to dinner in the Speaker's department in the dining hall of the House, on the adjournment at six o'clock, and then at half-past seven would be present in the House again. Dinner would occupy half an hour, or perhaps three-quarters, and then we would go into the Council Chamber and talk over the proceedings for the evening; and at that busy season it is quite improbable that I would be out walking at all. I can simply say, so far as my recollecsion goes, that the probabilities are that I was not there at the time he mentions. I neither had, there or elsewhere, such a conversation as he mentions with Mr. Fraser. At that time, either on the Thursday or the Friday, I do not think I had any knowledge of the Balfour matter. I had not seen Mr. Balfour himself until the Saturday or the Sunday. I do not know that I was aware even on the Friday that he had been in communication with Mr. Wilkinson. I think Thursday was the first time he had communication with him.

Q. Then you say distinctly that you did not make use of that language?

A. And so far as I know we were not present on that occasion.

By Mr. McCarthy.—Q. Do you pretend to say or to know where you were every evening of that week?

A. No.

Q. Do you pretend to say you were not on Wellington street on that occasion?

A. I have told you all I intend to say that I think I was not.

Q. Then, you will not swear that you were not?

A. I will not swear any more than that—that I have no recollection of it.

Q. I ask you the question, will you say positively that you were not on that street between those hours at that time?

A. The only answer that I will give is, that I have no recollection of having been there, and I do not think I was for the reasons I have given. That is the most I can answer in the matter.

The CHAIRMAN.—Q. Do you say you do not recollect?

A. I say I cannot recollect being there, for the reasons I state, and that is the only answer I can give, and that I cannot say positively whether I was or was not there.

By Mr. McCARTHY.—Q. You may have been there?

A. No, I may not have been there—I do not think I may have been there.

Q. I ask the question, may you have been there?

A. No, I may not have been there, according to my recollection.

Q. Is it impossible that you were there?

A. It is impossible, according to my recollection.

Q. Is it impossible according to the fact?

A. That question is a silly question.

Q. You may have been there?

A. No.

Q. You say it is impossible you could have been there

A. Impossible according to my recollection.

Q. Impossible according to the fact?

A. Impossible, as I believe, according to the fact.

Q. But as a fact?

A. I can only give you my belief in these matters—you are trying to split hairs.

Q. No, you are trying to split hairs—I want to know where you were at that particular time?

A. I cannot tell you the exact spot I was at during the hours mentioned, and I can only say to the best of my knowledge and belief I was not at that particular spot between those hours.

Q. What time do you dine as a usual thing?

A. Between six and seven during the session.

Q. And what time is your dinner over as a usual thing?

A. From six to seven.

Q. Before seven as a usual thing?

A. No, I won't say. Sometimes one goes in at six, sometimes at half-past six.

Q. If you went in at six, how long would you take to dine?

A. I suppose half an hour.

Q. Do you say that Mr. Balfour did not communicate with you before the Thursday of that week?

A. I think I had no conversation with him before.

Q. That is, you think, but are not sure?

A. I am speaking of what I think.

Q. But there is a difference between what a man thinks and what he can say positively—are you positive?

A. I only know, that is my best knowledge of the matter.

Q. Will you undertake to pledge your oath that Balfour did not communicate with you before the Thursday?

A. I certainly will, to the best of my knowledge and belief.

Q. May you have been mistaken in that?

A. No, I do not think so.

Q. If Mr. Balfour says you were, what would you say?

A. Then I might stand corrected by renewing my recollection.

Q, Could you have mentioned Mr. Balfour's name in conversation

A. I may have mentioned his name in many conversations.

Q. Was there any matter in which you and Mr. Fraser had employed Mr. Balfour at that time?

A. No.

Q. Unless in connection with this?

A. Not in connection with this.

Q. I ask you if there was any other matter?

A. No, neither this matter nor any other matter.

Q. At all events, according to the evidence given by Mr. Pardee yesterday, you knew, from the time Mr. Balfour was approached—either you or Mr. Pardee—some of you, knew of the approaches made to him?

A. Perhaps you will point out where Mr. Pardee said that.

Q. I am not pointing it out, but assuming that to be a fact; supposing he had not spoken to you personally, but to some other member of the Government, have you any doubt that you would have heard of it?

A. I do not know whether I would or not. I might, or might not, the time was very short. Mr. Balfour's introduction, I think, was on Thursday morning, and he says that on Thursday or Friday he heard this conversation. Now, I say I do not know whether between those times I had heard that Balfour was in communication or not.

Q. Had you heard that Balfour had been approached by Kirkland at that time?

A. I do not know.

Q. What is your belief as to that?

A. I rather think I had not heard of it.

Q. Will you swear as a fact that you had not?

A. I will only speak according to my best recollection of the fact in a general way; I think I did not.

Q. As early as the 11th of March, Mr. Balfour had mentioned this; what date would the Thursday be on?

A. I think Thursday was the 13th.

Q. Now, if as early as the 11th of March Mr. Balfour communicated this to Mr. Fraser or Mr. Pardee, do you mean to say that you believe you would not have known or heard of it by that day?

A. I can only say I have no belief whether I would or not. It is impossible to say whether I would or not.

Q. Don't you think it is highly probable you would?

A. Not necessarily so.

Q. Do not qualify my question—my question is, is it highly probable?

A. No, not highly probable nor highly improbable that I know of.

Q. Then it is quite possible at all events?

A. Oh, it is possible. After they had heard it, they would have communicated it.

Q. And most likely?

A. That would depend—probably likely. But there were a great many of those rumours going around at that time, and therefore I might not have heard as to any particular one.

Q. Then you were aware, at all events, at some stage or another, that Mr. Balfour was to go back, and let these men develop their scheme—you were aware of that?

A. Yes.

Q. And the object of that was to see how far they would go, so as to proscute them?

A. To see how far they would go, and if they would go far enough to afford evidence, to bring them to prosecution.

Q. Then the language is not very inapt; if it was used by you, it would not be very extraordinary, would it?

A. Which language?

Q. The language that Mr. Vicars speaks of?

A. You can form your own opinion of what is extraordinary and what is not. I am only speaking of the fact. I should not attach very much importance to it if it was so.

C. F. **Fraser**, recalled by Mr. Blake.

Q. Were you present when Mr. Vicars was being examined?

A. I was.

Q. And you have heard the statement that was made as to your walking along Wellington street on the Thursday or Friday previous to the 17th of March?

A. I did.

Q. Do you recollect as a matter of memory whether on the Thursday or Friday between six and eight o'clock in the evening you were walking towards the Parliament Buildings?

A. I am quite certain I was not, because it was my invariable rule, and always has been during the sessions, when the later stage of the sessions were being reached, not to go out at all during those hours from the House. When the House rose at six o'clock, as soon as dinner was ready, I would go in and get my dinner, and then go into the Council Chamber, or remain in the Chamber of the House.

Q. It was said that you were walking that evening arm in arm with Mr. Hardy, and that he made use of this expression to you, "If our little scheme with Balfour works, we will fix them?"

A. That is not true. I can only express mp opinion of it by saying that it is a lie made out of whole cloth—that is the only way I can put it. I never walked arm in arm with Mr. Hardy either there or anywhere else, and Mr. Hardy never had occasion to say to me and never did say that there was a scheme to work with Balfour, nor I to him.

Q. Do you know Mr. Vicars?

A. Never until this day. But I know him now, and shall probably make some inquiries about him. By looking at my memorandum of what occurred on that day I think I should probably be able to establish beyond all question the utter falsehood of this story.

By Mr. McCarthy.—Q. Do you remember the day you heard from Mr. Balfour of the attempt made?

A. I won't fix the date, but I think I heard from him as soon as any interview occurred.

Q. Then, if the interview occurred on the 13th of March, you would have heard on the 13th?

A. Promptly afterwards, I would not say on the same day, but very likely.

Q. And if you had heard it, you would have communicated to your colleagues, I suppose, so important a matter?

A. I probably did communicate it to Mr. Hardy or Mr. Pardee, but it may be that Mr. Balfour said he communicated with them too.

Q. There was nothing else that Balfour's name could have been mentioned in connection with at that time?

A. I do not recollect anything in which his name could have been mentioned.

Q. Then, if it was mentioned at all, it must have been only with relation to this?

A. There was no mention between Mr. Hardy and myself about it.

Q. But the best of men may be mistaken sometimes?

A. I am not mistaken at all. I know what my invariable rule is.

Q. Do you mean to say that you did not walk on Wellington Street between six and eight o'clock during the Session?

A. No, I won't say that.

Q. Do you say positively you did not walk on Wellington Street?

A. No, I say probably at the early stages of the Session I would be found on Wellington Street going down.

Q. Where would you be going?

A. Occasionally to one place, and occasionally to another, probably to the theatre if the House was not sitting in the evening.

Q. Is it impossible that during the time the House was sitting in the evening you would be walking on Wellington Street?

A. It is quite impossible that I would be walking on Wellington Street at that particular time during the hours this man names.

Q. Why impossible?

A. Because it was not my custom and my rule, and I would not do it.

Q. Is your custom and rule so well fixed that you never violate it?

A. It is so well fixed that I have no doubt about it.

Q. Do you speak from your recollection or from your custom?

A. From recollection and custom combined.

Q. Speaking from recollection, and taking that week before the 17th of March, will you undertake to pledge your oath that you were not on Wellington Street between six and eight o'clock?

A. Yes, I will pledge my oath that I did not go out between those hours at all.

Q. And if it was sworn to by three or four witnesses, you would not think it established?

A. I do not think it can be established.

Q. And you pledge your oath that on that occasion between six and seven you were not out?

A. Yes, I pledge my oath to that.

Q. You cannot be mistaken in that?

A. No, I cannot.

Q. You never walk arm in arm with Mr. Hardy?

A. Never arm in arm.

Q. You have often walked beside him, I suppose?

A. Oh yes, walked beside him.

The CHAIRMAN—Any further witnesses, Mr. Blake?

Mr. BLAKE—No, my Lord.

The CHAIRMAN—Have you any witnesses, Mr. Meek?

Mr. MEEK—It is impossible I could name all the witnesses until the Crown had closed their case. I applied to Mr. Johnston to ascertain if the Commission would sit next week, as I intended to subpœna my witnesses for Monday, and I could not find out. I also applied to Mr. Hamilton several times, ten days ago, to ascertain if there would likely be a continued session on Monday or Tuesday. I did not know what time the Commission would sit or what evidence would be given by the witnesses to be called. I have a number of witnesses subpœnaed.

The CHAIRMAN—Have you given notice?

Mr. MEEK—Not of them all yet, my Lord.

Mr. BLAKE—We subpœnaed all of whom we got notice.

Mr MEEK—Those witnesses were all examined with the exception of Mr. Ross; the witnesses with reference to the transposition of the paragraph in the Act; but on the other question of the charges, it was impossible for us to name the witnesses we required until the evidence was closed.

The CHAIRMAN—The charges were all closed in the beginning of September, except that it was supposed that two or three telegraph operators might be called.

Mr. MEEK—That is, the charges of the Crown, but these second charges were not.

The CHAIRMAN—There is no charge against you in them.

Mr. MEEK—The charge begins, "That members of the Government, knowing that attempts were being made to corrupt members."

The CHAIRMAN—You think Mr. Meredith's charge is a charge against you as well as the members of the Government?

Mr. MEEK—I do not think Mr. Meredith's charge is a charge against me, but I thought some evidence might be given against me in connection with it; and I would have summoned my witnesses had I known that the Commission would continue to sit on Monday. But I knew that two of the Commissioners, being Judges of the County Court and Term beginning on the first Monday in October, they would not probably sit.

The CHAIRMAN.—The Secretary of the Commission was directed to make inquiry of my brothers, and he was directed to answer that they would sit two or three days in the beginning of the week.

Mr. MEEK.—That is the first I heard of it.

Mr. BLAKE.—I do not understand the position taken by Mr. Meek to-day. The Commissioners will remember that shortly after the Commission was opened it was distinctly stated by the other side that they desired to know whether, after the case was closed, they would be able to give evidence in rebuttal. Then it was asked that this Commission should be conducted as far as possible in accordance with the ordinary rules of conducting cases, and it was said that the witnesses for the defence must be ready in order that the moment the case for the Crown closed they might be subpœnaed. We did not go into these charges formulated by Mr. Meredith until it was supposed the other case was closed. I take it that the Commission have understood that no further evidence was to be adduced, and they determined to sit on Thursday to go into these fresh charges, and there was nothing to lead anyone to suppose that they would not continue to sit until the business was concluded. There has been a good deal of delay already, and it is impossible for counsel to waste a large portion of their time, and that of your Lordships, at this period, when all the circuits and assizes are going on. I submit that there should be no further delay, and that the Commission should go on now until the business is closed.

Mr. MEEK.—It was distinctly stated that the Commission could only sit two or three days.

The CHAIRMAN.—Oh, no. It was thought that the business would be got through in that time, but it was never intended that we should not sit longer if necessary. The Secretary was instructed to write to the other members of the Commission, and one of them replied that he could sit two days, and the other, I think, three days next week. You have given notice of witnesses and they have all been examined but one. It is impossible that the inquiry can be kept dragging on from time to time in this way.

Mr. MEEK.—All I ask is that some day may be given towards the end of next week.

The CHAIRMAN.—We cannot give you the end of next week. We can go on in the beginning of the week. We are very unwilling, even after the great delay on your part, to shut you out from giving any evidence that may be necessary, and we will hear it on Monday and Tuesday. You will have to give the names of the witnesses to the other side to-day. Then we must close the Commission.

Mr. MEEK.—It will be impossible for me to get the witnesses here on Monday morning—impossible before Tuesday, I think.

The CHAIRMAN.—I am very sorry, but you had an opportunity to get your witnesses here, and you have not got them.

Mr. MCCARTHY.—I might just mention to your Lordships that I came here in relation to the charge made by my friend, Mr. Meredith, and I have only been instructed in regard to that. But I had been acting in the case at the assizes for Mr. Bunting, and his solicitor has asked me what course should be taken by Mr. Bunting with reference to what has fallen from your Lordship. As the matter is to stand over until Monday, I will then be prepared to state what course Mr. Bunting will take. I may have to state that under the circumstances Mr. Bunting will not appear. I may state that under the circumstances he will appear. I am not sufficiently instructed to make any further statement at present.

The CHAIRMAN.—So far as Mr. Bunting is concerned, he has been here and has had an opportunity to examine Mr. McKim. He can examine him on Monday as well if he chooses.

The Commission then (at 12.30) adjourned until Monday at 10 o'clock a.m.

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MONDAY MORNING, October 6th, 1884.

Commission met at 10 o'clock.

The CHAIRMAN.—Are you ready to go on with your evidence, Mr. Meek?

Mr. MEEK.—Mr. McCarthy will be here in a moment.

The CHAIRMAN.—Mr. McCarthy, do you propose cross-examining the witnesses?

Mr. MCCARTHY.—I stated, my Lord, on Saturday I was consulted at the moment when the Commission was still sitting by Mr. Foster with reference to Mr. Bunting's case, and I have since had an opportunity of considering his position with reference to the whole affair, and I find that the facts with regard to him are as follows:—He left this country on account of his health on the 22nd May; he was continuously absent until the 24th July; between those days the Commission proceeded *ex parte*, so far as he was concerned, without any notice to him, and all the witnesses who have spoken at all, mentioning his name, who have in any sense at all criminated him, were examined at length in his absence, and of course without any representation upon his part by counsel or otherwise. Under these circumstances I have taken the responsibility of advising Mr.

Bunting not to appear here to enter what might be called in any shape a defence. The right of every person accused, as your Lordship knows, is not merely to cross-examine the witness, who had been already examined behind his back, but it is to be present when he is examined in chief. That is impossible in this case; not only that, but Mr. Bunting is informed that the Secretary of the Commission was directed not to give a copy of the shorthand writer's notes—I dare say quite properly.

The Chairman.—No, only as to one particular, not connected with Mr. Bunting at all.

Mr. McCarthy.—No, my Lord, I do not think it was, but I only mention the fact that an application was made by a gentleman for a portion, not the whole, but for a portion of it, and that that gentleman was told that by your Lordship's direction a copy of the stenographer's notes was not to be given out. I do not at all say that was wrong. I do not at all say that your Lordships, sitting here as a Commission, were not perfectly strict and regular in taking that course. I have nothing to say about it. I am only mentioning the fact that if Mr. Bunting were called upon now to enter into a defence, he would be doing so without having heard the evidence against him—not only so, but without even the opportunity of knowing from the cold type, so to speak, as it is sometimes spoken of in the Court of Appeal, what these witnesses have said against him; and he could not possibly, with any justice to himself, submit his case now to be disposed of by the Commission, or by the proceedings which may be ultimately taken upon the Commission. I assume these proceedings are not merely done without some object; I know, of course, your Lordships have no power, but I suppose that the idea is to report what your Lordships do—what your Lordships receive—to the House of Assembly, that the House of Assembly may be able to act upon it. Well, I have undertaken to show Mr. Bunting, as his Counsel, that it would be most unwise for him under these circumstances, to attempt to submit himself at this stage to this Commission in any sense. Then I have just one further observation to make with regard to what your Lordship said on Saturday. Mr. Bunting was called on here in open Court to appear and examine a witness who had been examined specially on another charge. Mr. Bunting, I may mention, was in attendance as a witness. Perhaps your Lordship did not know that. Possibly if your Lordship had known that, your Lordship would not have spoken or called upon him to appear here as a party in open court under those circumstances. The only notice that Mr. Bunting has had of these proceedings has been this, that after his return from England on the 24th July, as I stated, sometime the latter part of that month, he was subpœnaed to attend the Commission on the 1st September, and to remain here from day to day until his services were dispensed with as a witness. He has done so. He has never been represented by counsel; he has never instructed counsel; and although, as he said himself, he was most desirous to have had an opportunity of putting his case before the public on oath by means of the witness box here, still I have told him that, as his counsel, I cannot advise him to submit himself, as he would be doing in that case, to the jurisdiction, so to speak,—I am not speaking now technically, your Lordships will understand, as to your Lordships' power, but of the jurisdiction of the Commission, the evidence in which, with regard to him, has all been taken behind his back. For these reasons I think probably your Lordship, if it had occurred to you, would not have asked Mr. Bunting to jump up in court to assume his defence.

The Chairman.—Oh no, but Mr. Bunting was invited in every possible way that we could get notice to him. We invited the counsel that appeared for him, or caused notice to be given to counsel that appeared for him in the police court, and directed every other means of getting a notice sent to him during his absence.

Mr. McCarthy.—Well, as a matter of fact, he has received no notice, I am instructed. Of course, the notice your Lordship speaks of was served, and Mr. Foster appeared at the opening and stated that he had no authority from Mr. Bunting to act in his absence. Of course in his absence, notice might have been served formally, but that has not been done. He has been subpœnaed here on behalf, and to give evidence on account, of the Crown.

The CHAIRMAN.—At all events, you are determined not to cross-examine?

Mr. McCARTHY.—Yes, or to appear in any way for Mr. Bunting.

The CHAIRMAN.—Mr. Meek, are you ready to go on?

Mr. MEEK.—I have instructed Dr. McMichael to appear for

Mr. BLAKE.—I hope there will be no misapprehension as to the giving out of copies of the evidence. I do not understand that any copy of the evidence was refused to any person who was interested.

The CHAIRMAN.—The only application made to me was this, that there have been some statements in some newspapers that there was a contradiction between Mr. Merrick's evidence and Mr. Meredith's that was given before the Commission; and an application was made to get a copy of Mr. Merrick's testimony for the purpose of seeing if it could not be made use of in opposition to these statements. I said that I had no desire that the Commissioners should be involved in any political dispute whatever, and that no copy of the evidence would be given with my sanction for that purpose.

Mr. BLAKE.—I was given to understand that copies could be obtained by any person who was interested in the inquiry.

Hon. Mr. MORRIS.—In the absence of Mr. Meredith, I desire to make a statement on his behalf. Your Lordship has correctly stated the fact that an attempt has been made to create an idea in the public mind that there was a conflict of testimony between Mr. Meredith and Mr. Merrick. An application was made by a solicitor on Mr. Meredith's behalf for a copy of that evidence, as he was not present at the time it was taken. Your lordship directed that that evidence should not be given; but I desire to call the attention of the Commission as a whole to the fact that a copy of that evidence was furnished by some one connected with the Commission, and has appeared in the *Globe* newspaper, and has appeared with the suppression of a portion of it. There was an original report appeared in the *Globe* newspaper, but subsequently a report, with the questions put and the exact answers, was given, but there was a *hiatus*—the connecting link between the two portions of Mr. Merrick's testimony was not published in that newspaper—and I desire simply to call the attention of the Commission to the fact that either by the clerk or by the reporter, in my belief, a copy of this evidence was furnished.

The CHAIRMAN.—I do not know anything about that at all, Mr. Morris. I supposed that the newspapers had all their own reporters here, and they were taking their evidence in their own behalf.

Hon. Mr. MORRIS.—As a fact the evidence published in the *Globe* next day is not the evidence as published afterwards. I think there would be no objection to giving the evidence.

Mr. BLAKE.—Mr. Meredith was entitled to a copy of the whole of it.

Mr. McCARTHY.—He did apply, and was refused.

Mr. BLAKE.—No application was made to us.

The CHAIRMAN.—There was no application made in Mr. Meredith's behalf at all; it was made in behalf of Mr. Murray, by Murray & Barwick.

Hon. Mr. Morris —I suppose Mr. Murray, as attorney for Mr. Meredith, applied for a copy of that particular evidence, and your lordship directed that it should not be given. Is there any objection now to furnishing that portion of the evidence?

The Chairman.—I suppose if you want the evidence you can get the whole of it, if you apply on behalf of Mr. Meredith.

Hon. Mr. Morris.—I apply only for that section.

Mr. Caswell.—Will your Lordship permit me to examine Mr. Irish, of the Rossin House, for a moment?

The Chairman.—You have closed your case long ago.

Mr. Caswell.—No, my lord.

The Chairman.—Certainly you did; you told me you had no more witnesses to examine.

Mr. Caswell.—I wish to examine Mr. Irish in reference to some conversation of Mr. Kirkland's that has been made use of.

The Chairman.—There must be some end to the examination. Here is a list of sixty witnesses that Mr. Meek has given, and you were asked a month ago if you had any further witnesses, and you told us you had not.

Mr. Caswell.—Mr. Nolan's name was put in on our behalf, and Mr. Irish is here in Mr. Nolan's absence.

Mr. Blake.—I strongly object to opening the case again.

Mr. Caswell.—Your Lordship will note that I tendered the evidence of Mr. Irish, and you refused it.

The Chairman.—I am not going to note anything of the kind.

Mr. Caswell.—The reporters will note it, so that it will go before Parliament. I offer Mr. Irish.

The Chairman.—It appears in the evidence that you have closed your case, and unless you are going to open it upon an application in the ordinary way—that is, that the evidence was not known and could not be known beforehand, I feel inclined to refuse it.

Mr. Caswell.—I suppose your Lordship will hold that I could not examine any of these witnesses that Mr. Meek is calling?

The Chairman.—You can cross-examine them. Your case was closed, but that does not prevent your cross-examining the witnesses of another. Dr. McMichael, are you ready to go on?

Dr. McMichael.—Mr. Meek has asked me to appear here as counsel for him. I have not been present at any examination. I was in for a few minutes once or twice, and have taken no part in the proceedings hitherto, and the first question I wish to ask the Court is whether, after what has been gone through, Mr. Meek is called upon to make a defence.

The Chairman.—Mr. Meek will state that on his own responsibility.

Dr. McMichael.—It is generally the question.

The CHAIRMAN.—You are wanting us to state a conclusion which we shall have to report.

Dr. McMICHAEL.—A conclusion on the past, not on the future ; it is the usual course, and of course, if it is not regular—

The CHAIRMAN.—I am not going to give a decision whether we are going to nonsuit the Crown or not.

Dr. McMICHAEL.—This is the time to ask it.

The CHAIRMAN.—You can ask it, but I do not think you expect to get a reply.

Dr. McMICHAEL.—I do expect a reply in one shape or another

The CHAIRMAN.—I don't think we can give any answer to the question, doctor.

Dr. McMICHAEL.—Of course I take it, my Lord, that we have the right; there was another point that I wished to speak about ; Mr. Meek is desirous of making a statement to the Court, but my own view is—subject of course to your Lordship's ruling—that the rules that generally apply when men are accused would apply here, namely, as the Police Magistrate and all Magistrates say :—" You are at liberty to make any statement you like ; you need not say anything ; whatever you do may be used against you "—and I ask that Mr. Meek may make a statement under those restrictions.

The CHAIRMAN.—We are not trying Mr. Meek for a crime.

Dr. McMICHAEL.—If conspiracy is not a crime.

The CHAIRMAN.—We are not trying him for that ; we are only inquiring, only ascertaining the evidence that is to be got in the matter.

Dr. McMICHAEL.—Of course I need not tell your Lordship that Mr. Meek is already being tried under bonds, and an indictment against him for the very thing that the Commission is now enquiring into, and he has a right, I think, to have that matter fairly understood, and it becomes a very serious matter—it is not at all a trifling thing—that a criminal, a man charged with a crime, is summoned by the Crown and an enquiry made as to the very acts regarding which he is bound to answer at another Court ; and the condition under which he lies is this, that if he makes a statement it can be used in the other court and he would be bound by it, without any possibility of his being allowed to give an explanation ; it puts him in a position that no person generally in criminal law is put in ; that he is called upon by the Crown to disclose his defence before his trial ; the Crown is acting here under " Victoria, by the Grace of God," etc., and the report is to the Lieutenant-Governor, and we have a notice from the officer of the Crown that puts a very strong compulsion upon it, and which of course creates a very great difficulty in the matter ; I might remark that supposing it were a case of coroner's inquest, where there is an enquiry, the moment it appears that there is a charge against any particular individual, that man is not called upon to give evidence, nor is he put on oath,—he is simply allowed to make a statement ; that is the general rule wherever a charge appears in any investigation which would import a crime, and that is what I understood is what is being done here ; they are called upon, and this is what the Crown says :—" And take further notice that in case you fail to attend, the Commissioners will proceed in your absence, and the evidence then taken will be used in all and every other action or matter which shall be taken against you ;" that is signed by the Solicitor for the Crown ; now then, that is what the Crown is doing in this case, and I ask every protection that the Commissioners consider can possibly be given to a man who is placed in such a position that here evidence will be taken which will be used against him at the next trial, and that if he is not present it will be used there; this is done no doubt by the authority of an Act of Parliament, to which we submit, but there is a higher thing than that, that is, common justice, and it does not seem just at all.

The CHAIRMAN.—I do not know anything about that notice that you are reading.

Dr. McMICHAEL.—The Crown is the party here. and the Crown has given the notice.

The CHAIRMAN.—But I may mention that all these objections you are now making have been made by some of the parties, and we have overruled them on several grounds. One is, that the statute expressly authorises an investigation to be proceeded with here although there may be a criminal proceeding pending; and another reason is, for myself, and I believe for my brother Commissioners, that we declined to become Commissioners until the defendants had had an opportunity of submitting themselves to trial if they chose, and it was only after it was ascertained that they were not going to submit themselves to trial, and were taking every possible objection to the proceeding, that we consented to become Commissioners and to investigate this matter.

Dr. McMICHAEL.—But Mr. Meek has been present here.

The CHAIRMAN.—He has.

Dr. McMICHAEL.—He entered his statement.

The CHAIRMAN.—Mr. Meek has cross-examined witnesses at considerable length.

Dr. McMICHAEL.—I appear solely for Mr Meek, and none of the others are implicated in what I am doing to the slightest degree. I was not aware your Lordships had overruled that, and said that what had been done here could be used at any other trial. I did not know—

The CHAIRMAN.—I did not know anything about that notice; I do not know what the result of it may be; I hope it can not be used against them, but we are no parties to that notice. I suppose it will be used against you in the House of Assembly, probably.

Dr. McMICHAEL.—No, they say they won't call us to the bar of the Assembly and try us on hearsay; but I am speaking of a place where they would not try us if we were not present.

Commissioner SCOTT.—There is no authority in the statute for the use of this evidence in any place except before the House of the Assembly, as I understand it.

Dr. McMICHAEL.—There is no authority for its use anywhere.

Commissioner SCOTT.—I think there is as to the House of the Assembly.

Dr. McMICHAEL.—The Commission says you do not report to the House of Assembly, or to the House of Commons—which really has cognizance of criminal matters—but you report to the Lieutenant-Governor. They have sent you to inquire into these crimes and misdemeanors, which are crimes at common law.

Commissioner SCOTT.—I was speaking of the statute under which it issued. I think the statute refers to further proceedings being taken by the House, if I am not mistaken

Dr. McMICHAEL.—No matter what use the House of Assembly intend to make, or what the Lieutenant-Governor says of the Proclamation or his Commission, I am speaking of what the Crown is doing.

Commissioner SCOTT.—I am speaking of the only possible use that can be made of it, and that is by the House, as I understand it.

Dr. McMICHAEL.—If we came here with full notice from the Crown that they intend to use that in another, in our next trial, I do not see how the Legislative Assembly can interfere with the Crown's action. They have no control of the criminal law.

The CHAIRMAN.—Whatever use may be made of it, we have not to inquire into here; we are proceeding under the Commission regularly authorized to be issued under the statutes; we have fulfilled our duty.

Dr. McMICHAEL.—I suppose, nevertheless, some rules of evidence will be conformed to in it; or is it an enquiry in which there are to be no rules of evidence?

The CHAIRMAN.—We have been endeavoring to conduct the enquiry as nearly as we can on the ordinary rules of evidence.

Dr. McMICHAEL.—Then the ordinary rule of evidence is that when a man is charged ——

The CHAIRMAN.—He is not charged in the way you speak of. We inflict no punishment.

Dr. McMICHAEL.—He is charged by another court.

The CHAIRMAN.—I do not see what you wish us to do.

Dr. McMICHAEL.—I wish Mr. Meek to be allowed to make his statement without being on oath.

The CHAIRMAN.—I do not think so; I certainly for my part would decline to receive any statements not on oath.

Mr. BLAKE.—I do not know that my learned friend, Dr. McMichael, was in the first day of the sitting of the Commission, but the same objection was then taken and given as a reason why there would not be a defence entered, because this statement that was made here could be thereafter used.

Dr. McMICHAEL.—I dare say it was said. I do not see why I should not now, on behalf of Mr. Meek, formally make it. I apprehend this is the exact time to make it.

Mr. BLAKE.—I am not in the slightest degree objecting to it; I am simply saying it is a reiteration as to that.

Dr. McMICHAEL.—I think it is due to my client in the entirely novel situation; I have had some knowledge of criminal law, but I have never had such a thing before; it is entirely anomalous, and therefore I must try in every way to give a man over whom an indictment hangs some protection, when he is to be summoned up to be tried again for a crime which, in my estimation—I may be wrong—over which the House of Assembly has no jurisdiction whatever.

The CHAIRMAN.—That may be. We have nothing whatever to do with that just now.

Dr. McMICHAEL.—Procedure in criminal cases, I suppose, belongs to the Dominion Government; I take it that conspiracy is a crime; it is a crime at Common Law, and I do not understand it is a crime over which the House of Assembly has any jurisdiction whatever that is inquired into here, and I think I am entitled on behalf of my client, as a counsel endeavouring to protect him and not allow him in any way to commit himself, to ask as far as I can from the Commissioners that a man who is in his position, with his case already before the courts—in one pronounced a crime, and the other, at any rate, a question whether it is a crime or not; that he has a right, if he is to defend himself here, that in every way he should be protected in doing it. Then I would ask your Lordship, if you overrule that, that he should be allowed to give his evidence on oath without cross-examination. Of course it is a new thing, but the whole thing is new to me, a novel position altogether.

After consultation.

The CHAIRMAN.—I do not think that we can acquiesce in either request, Doctor.

Dr. MCMICHAEL.—I then wish to state further that if I put Mr. Meek in the box and examine him, I examine him entirely on his own behalf. The Crown has declined to use him as a witness for the Crown and—

The CHAIRMAN.—I suppose you can examine him on his own behalf; the Crown, I suppose, can cross-examine him.

Dr. MCMICHAEL.—That is what I say, that they have not any right to cross-examine him as to hearsay as to the guilt or innocence of either of the parties.

The CHAIRMAN.—I think if you put a witness in the box that he may be cross-examined to any extent on the subject of inquiry.

Dr. MCMICHAEL.—He would in criminal law.

The CHAIRMAN.—He would in civil law; at all events we would allow it here.

Dr. MCMICHAEL.—If Mr. Meek were being tried alone in the Assize Court on the charge that is against him, his evidence as to parties absent would not be taken.

The CHAIRMAN.—However, you see, you tell us in one breath that we are entirely anomalous here, and yet you want us to be guided by rule.

Dr. MCMICHAEL.—As far as the Crown would be pleased to do so. Of course if they want to be guided by no rules, I submit to it. I state what the rules are, and as each is flung aside of course I come upon another.

After consultation.

The CHAIRMAN.—As to that last point, Doctor, we will see what can be said about it when the question arises. I do not know whether the Crown will endeavour to cross-examine.

Mr. MCCARTHY.—Before this is entered upon, I represented Mr. Meredith here on Saturday, and that particular case was then closed. I understood from Mr. Meredith—who is not here to-day and who did not propose to attend further—that so far as any accusation against him was concerned, that had been ended and concluded.

The CHAIRMAN.—So I understand.

Mr. MCCARTHY.—Then so far as any evidence that may be given by Mr. Meek, Mr. Meredith is not here present.

Mr. BLAKE.—No, there is no charge formally against him.

Dr. McMichael.—I understood there was no charge against anybody.

M. Blake.—Then you misunderstood.

Mr. McCarthy.—Do the Commissioners propose to make a report, or simply to report the evidence—I mean on the matter in which I am interested here in regard to Mr. Meredith; I suppose that if the Commissioners propose to make a report, that would only be done after argument.

The Chairman.—I do not know that we have come to any particular conclusion about it yet, but you may consider that the case may be argued.

Mr. McCarthy.—Your Lordship will appoint a day for that?

The Chairman.—As soon as the evidence is over, just as in any ordinary case in court.

Mr. McCarthy.—We are quite prepared to argue it if it is to be argued.

The Chairman.—What time will you be ready—to-morrow or Wednesday?

Mr. McCarthy.—I could not personally be here on Wednesday.

The Chairman.—My brothers find a great deal of difficulty in attending after Wednesday, and I myself will be occupied nearly all the autumn.

Mr. McCarthy.—This evidence in Mr. Meek's case may occupy all to-day and to-morrow.

The Chairman.—If he examines all the witnesses it will.

Dr. McMichael.—The witnesses will be short and decisive.

The Chairman.—Could you be ready for Wednesday?

Mr. McCarthy.—I could not on Wednesday; if your Lordships appoint to-morrow, I will be prepared to argue it to-morrow.

Commissioner Senkler.—In regard to Mr. Meredith's?

Mr. McCarthy.—Yes; there is no other argument I am interested in.

The Chairman.—We will take it to-morrow. We will sit at ten. If Mr. Meek's evidence is not through by that time, I suppose the argument can be taken up first and the evidence taken afterwards.

Edward Meek, called by Dr. McMichael, sworn.

Q. You are charged, Mr. Meek, with having conspired with certain persons by means of bribery to overthrow the Government of the Province of Ontario; what was your first interview that you have ever had with Mr. McKim; do you remember the day?

A. I had an interview with Dr. Cascaden—

Q. Mr. McKim?

A. I don't recollect exactly the day; it was either the 7th or the 8th February of this year: that was the first meeting with McKim.

Q. Had you before that time had any conference, direct or indirect, with any other —with Bunting, Wilkinson, or Kirkland, regarding the subject of bribery?

A. None whatever.

Q. No communication, direct or indirect?

A. No communication, direct or indirect.

Q. When was your first interview with Dr. Cascaden?

A. My first interview with Dr. Cascaden was somewhere towards the end of January. I can't give the date; it was one evening.

Q. You knew him before?

A. I knew him, yes, I have known him, not very intimately, but I have known him for the last many years—25 or 24 years.

Q. Do you remember where you met him?

A. I met him in the smoking room of the Legislative Assembly; I was sitting there when Dr. Cascaden came in; he came up and spoke to me and shook hands, and sat down beside me and took out his pipe and began to smoke.

Q. Did you address him on any subject connected with politics, or did he address you?

A. Well, as to who began the conversation on politics, I would not be exactly certain; I think that he did; we discussed local matters relating to the county, as I came from the same county, and after some little talk he told me about his health, that he was troubled with sciatica, that he was in very poor health, and that he intended to go to the hospital; he had made up his mind that he would go to the General Hospital in Toronto for two or three weeks; if he failed to get relief there that he would go to New York, and that he thought he would try and get a permanent cure in that way. I then said to him that that would have an effect upon the voting, as the majority of the Government was very small; it would have an effect, it would decrease their number—their majority; he said that he didn't care, he was very much dissatisfied with them; he told me that he had attended a caucus meeting the night before at which Mr. Pardee, Mr. Hardy, and Mr. Mowat—I think Mr. Fraser, but I am not sure about Mr. Fraser—were present, and that he had told them then and there to their faces that he did not care a damn for them; that he could carry his constituency without them, in spite of them, even if the whole of them came up into West Elgin and fought against him he could carry it in spite of them; he was under no obligation to them in any shape or form, he had paid his own way, he had injured himself very much by politics, and that more than that, he swore at either Pardee or Hardy—I forget which, he swore at one of them—and that he shook his fist in the other's face, and that he led them to understand that he did not care for them at all, very clearly. I said then that there were a number of others that I thought I had heard were dissatisfied; that the Government were rather shaky; that I had heard that there were a number of others that were displeased with the Mowat Government. Another point he mentioned, that these men cared for nothing but to keep themselves in office; he said there was Pardee and Hardy and Fraser sticking to their places like leaches, and that others ought to have a chance who were equally as good men as they were, and that they ought to give other people a chance. I said that I heard that others were dissatisfied too, and he said that he had heard rumors to the same effect. Then I said to him, "may I speak to you in confidence on this matter, on your honor, as to what information I have?" He said most certainly; he was very glad that I had mentioned it—pleased that I should speak of it He gave me to understand in the most cordial manner possible that he was perfectly willing that I should speak to him on the subject; of course, there was nothing in that, because there was nothing improper intended in any shape or form. I then said to him that I had understood that there were a number of members on the Reform side of the House who were at present supporters of Mr. Mowat who were disaffected and who were willing and in favor of the formation of a Coalition Government composed of members from both sides of the House; he said that he would be very favorable to that himself; that there was too much party feeling, that it had been a great injury to him, financially and otherwise; that he had a very bitter party fight in his own county, and that he would be very much pleased to see the bitterness of party feeling ameliorated, and he thought that would be a very good step in the direction of accomplishing that object. I then mentioned the fact that the Boundary question had been settled, which really was the only question of principle at issue between the parties, and he agreed with me upon that, and said that it was, that there was no question now remaining between the parties—no issue of any consequence between the parties—and he did not see any reason why a coalition should not be formed; that personally he would be very much pleased to see the Government defeated providing that there could be a coalition. He would not like to see the Conservatives get into power; he would not like to see simply a change of parties; he was opposed to that, but if a fair coalition could be formed he was perfectly in favor of it; then I asked him if he would be willing to vote against the Government if a question came up which should result in the defeat of the Government; he said that he would, but he thought that it was a serious matter to him, as the defeat of the Government would result in a dissolution of the House, and he would have to go back to his constituents for re-election, and the probabilities were that he would be defeated; that his majority was small as it was, and that he would be defeated; and he then said he wanted to know if the Conservative party would do anything for him in that event. I said that I had no doubt that if he were of material service to the Conservative party the Conservative party would do something for him in that event; I said I had no doubt upon that point; that if he were of material service under those circumstances to the Conservative party that in my own mind I had no doubt that they would not overlook him—words to that effect.

Q. Had you any authority to make any such statement?

A. None whatever; just my own statement—entirely of my own opinion.

Q. Did you make any promise at that time?

A. None whatever; I made no promise in any shape, way or manner, of office, money or anything else. What he states on that point is distinctly and deliberately false. The man simply wanted to force himself into this matter to make himself notorious, that is my opinion; however, that is not evidence. He then said he would have to consider it. "Oh no," I said to him; besides that, I said it would not result in the defeat of the Government, or at least in the dissolution of the House; that the result would not be the dissolution of the House; that there would be a change of Government, and there would be no necessity for dissolution at all; that the new Government would go on and take the affairs without a dissolution, and that he would not have to go back to his constituents at all, so that event could not arise, I told him. Well, he said that he would have to consider it; he did not want to vote in favor of it; he was opposed to Mr. Meredith. He said he had formed a personal dislike to Mr. Meredith on account of West Middlesex—something which occurred up there, I forget just what he said. He said he had been up there, and he had considerable practice up in that part of the County, and he had a dislike to Mr. Meredith on that account; and he said he would have to consider that. He said that if Mr. Meredith was simply the leader, and the Government were more conservative than reform, he would not be pleased with it, and he said he would have to take time to consider it; and he asked me to meet him on the following day; made an appointment for me at the Rossin House the following day, and asked me to meet him there about eleven o'clock and he would let me know what he could do at that time. We then parted, and I went over to the other side of the House and went in behind the Speaker's gallery, and sat down under the reporters' gallery in the House beside Mr. Bunting, who was there at the time—not very close to him. Cascaden came over at that side and came in and sat down between Mr. Bunting and myself, and remained there for some little time. He asked me if this was Mr. Bunting. I told him it was. I don't recollect anything further that occurred just then. I said good night to him and shook hands with him and left him. The following day I met him at the Rossin House. Oh, yes; I had forgotten that he had told me about the Elgin shrievalty. He did not tell me that was the cause of his quarrel in the first instance, but during the course of the conversation I elicited from him that that really was his grievance; that a promise had been given to Nairn, who was the defeated member for East Elgin, that he should have that office; and Dr. Cascaden complained that all the patronage, or a good deal of the patronage, was going to the East, and he ought to get it in the West, and that he ought to have the right to appoint the Sheriff, and that he would know the reason why. He closed his mouth and bit his lips over it; and he would know the reason why he should not get it; and that he would see whether he would not make the Government comply with his request on that point. I met him the next day at the Rossin House at eleven o'clock.

Q. As far as you can recollect, is there anything material further that happened in the conversation between you?

A. There is nothing else material that I can recollect at this moment. On the next day I met him at the Rossin House, and we sat down in the hall on a seat at the side there, and he spoke to me, shook hands in a cordial manner—oh, yes; this is material. Before I left him the night before, I said to him, "of course, anything that I said to you in reference to the disaffection of supporters of the Government is said in confidence."

Q. He was not to publish that?

A. Not to publish it, and he gave me his word of honour that it was so; and I was not to mention anything that he said to me about his quarrel, and I said I would not. Well, then he met me in the Rossin House the next day, or at least I met him, and we sat down, and I asked him what determination he had come to, and he said that he had made up his mind that he could not vote against the Government now; he did not say that, but I gathered from this what he said that something had occurred in the interval which had changed his mind.

Q. Did he mention the shrievalty again?

A. Yes, I think he did. I think he told me that he had got that appointment, or had got them to change their views upon that point. I don't swear to that very positively, but I think so; that is the best of my recollection; but he said this: he said, "While I could not vote directly against the Government," he said, "I am open for any arrangement to leave the House for the balance of the session, or to resign my seat, if you could make it worth my while to do that." He said, "I think that you would carry West Elgin yourself, if you got a part of the Catholic vote." He told me that there were 128 Catholic votes in West Elgin, and that he had received out of that number either 124 or 126, and that really it was the turning point with him; that he carried the constituency by the Catholic vote; and that, if I could get part of that vote, he thought I would be the best candidate on the Conservative side to put in the field. My people lived up there, and he said, "I could use my influence quietly; I have got a very good excuse for resigning, on account of my health, and, if it were made worth my while, I could withdraw." I told him that I had not thought of anything of the kind, and that I had no idea of going into politics or running for any constituency at the time, and that I could not consent to it, or something to that effect. He said, "think it over; think it over and see me at any time about it." I don't recollect anything else in particular that occurred just then at this moment. That is the last I remember of him. We got up and shook hands and we parted, and he went away to the House, and that was the last I saw of him. I never had a word with him from that time to this in reference to the matter.

Q. In that communication did you act directly or indirectly for any others or with any others?

A. No, with no other person in any way, shape or manner. I had seen Dr. Cascaden nearly every session that he had been to the House, and had a little conversation with him about the neighbourhood and matters in general; I had been up in the constituency during the contest, and had taken part in the contest on one occasion.

Q. You spoke of Mr. McKim coming to your room, or seeing him on a certain day; he was at your room?

A. Yes, he came to my office; my office then was in the *Mail* building—that was before the fire.

Q. Was that by any previous arrangement that you had made?

A. Not at all; I did not know that McKim was coming; I never knew that McKim was coming to my office until he came in.

Q. Was that on the 7th or 8th?

A. The meeting I spoke of before, yes; he never was in my office but on the one day, to my knowledge; I never saw him there.

Q. You were not warned, then, or told by anybody that he would come?

A. No, I did not know that he was coming—had no knowledge of him, or did not know the man, had no personal acquaintance with him, did not know him by sight even; had never seen him to know him until he came in.

Q. Did you instruct the man that takes care of the elevator to direct him or anybody to your place?

A. Not a word; there is not a word of truth in that—nothing of the kind.

Q. You did not instruct the man?

A. Oh, no.

Q. Does he ever send, to your knowledge, persons to your office?

A. Not unless people ask him where my office is.

Q. Your office is on what place?

A. My office was on the third floor, at the end of the hall; as soon as they come out of the elevator there is a hall, and my card was put at the end of that hall on the third floor.

Q. He could see it?

A. Any person could see it; yes, I suppose he could.

Q. When he came in did he introduce himself to you?

A. McKim, yes, he said that he was Mr. McKim—or no, it was my clerk that introduced him; my clerk had seen him and knew who he was, and he opened the door and said "Mr. McKim."

Q. He came into the room where your clerk was first?

A. Yes.

Q. Then your clerk opened the door and said, "Mr. McKim?"

A. Yes.

Q. And Mr. McKim entered?

A. Yes.

Q. That is the only interview he had at your office?

A. The only interview I had at my office that day.

Q. You had no communication or spoken to anybody respecting his coming?

A. None whatever.

Q. Or respecting his business?

A. None whatever.

Q. How long was he in the office?

A. Well, probably he was there for an hour or an hour and a half altogether.

Q. How long was he there before the subject of politics was introduced, and who introduced it?

A. Well, he began himself; he introduced it himself; he was not there I suppose more than a few minutes when he introduced it; he began telling me about his troubles and difficulties, and that they had been caused through politics, mainly through his faithfulness and services to the party, and that he had received no assistance of any material kind from his party, and that he was in difficulties; told me about his failure, his troubles, not particularly but generally; and he said that he had made arrangements with a gentleman to get some others to vote on the timber policy of the Government, or was making arrangements, and that he himself along with some others intended to vote against the Government on that question; he also said that he had arranged that he was to receive a certain sum of money.

Q. Did he give you any names at that time?

A. He did not give me any names.

Q. At that time was anybody in the office but yourself?

A. Well, Mr. Wilkinson came in about that time.

Q. Came in afterwards?

A. Yes.

Q. Was Wilkinson in the office when he came in?

A. No.

Q. Was Wilkinson in the office when he commenced his conversation?

A. Wilkinson was not—no.

The Chairman.—Q. You say he spoke of his intention to vote against the Government. Did you say that he told you he was to receive a sum of money?

A. Yes; not for his own vote, but for his services in connection with getting others to vote, sufficient to carry that point—that question.

Dr. McMichael.—Q. He was going to be the agent to accomplish it?

A. Yes.

Q. That was the timber policy question?

A. That was the question, I think.

Q. Did he say so?

A. He said so—yes.

Q. What else did he say?

A. Well, I may just mention here with reference to Mr. Wilkinson, anything I know of Mr. Wilkinson——

Q. Never mind that for the present. Let us know what McKim went on to say?

A. Well, he had considerable conversation, and as soon as Mr. Wilkinson came in he and Wilkinson entered into a conversation about politics in general; and they talked together for a considerable time on politics in general.

Q. Does Wilkinson do any business at your office?

A. Yes; I have been his solicitor for a good while.

Q. Had he any business in your office—any business for you as a solicitor—about that time?

A. Yes, he had.

Q. He is one of your clients?

A. Yes.

Q. Then he came into your office and found him there?

A. Found him there, yes; they were acquainted, he and McKim were acquainted, and they went into conversation, and I took no part in the conversation; they sat off to one side, and McKim was sometimes sitting down and sometimes standing up and walking around, and they were discussing politics and one matter or another connected with politics, and I went on with my other work that I had. After a while Wilkinson went outside, and McKim came in and sat down at my table opposite to me and told me the particulars of this agreement, and I wrote it out from the particulars that he gave me there and then.

Q. Did he give you names?

A. No, he gave me no names at all; he distinctly said that no names were to be into it, and that it was private, and he did not want it mentioned—particularly careful that way; very careful, fearful that someone would see him in the office.

The Chairman—You were to write this, were you?

A. I did write it as he told me.

Q. No names were in it?

A. No, no names were in it—just mentioned that the party of the first part agreed with the party of the second part—in that way; I handed it over to him when I had written it out; he read it over and suggested certain alterations, which I made on the draft; after I had made the alterations as I thought satisfactory to him, I then re-wrote it and handed it to him, and he read it over and said it was all right, and I think he then went out, and I never saw him afterwards.

Dr. McMichael—Q. Not at all?

A. No, I mean to say not for a month afterwards.

Q. Did he never bring the paper back to you?

A. He did not take it away; he left it there and he went away, and I did not see him again for a month, until he came to me one night in the Parliament House. I was sitting in the refreshment room talking with a gentleman from London; Creighton came in and spoke to me, touched me on the shoulder and asked me to come out; he said, "There is a gentleman waiting to see you"; I came out with him and I found Mr. McKim standing in the passage; this was about a month afterwards, somewhere about a week or eight days before the 17th March; I found Mr. McKim in the passage; I went up to him, and he did not know me, he had forgotten me; Mr. Creighton introduced me; he says, "Mr. Meek, Mr. McKim," and McKim says, "Oh, I had forgotten you, forgotten you altogether," or something to that effect; after Creighton had gone away he said, "I want to see you in reference to Mr. Lyon's protest, in reference to the protest in Lyon's case, in the Algoma case;" I asked him what he wanted; he said that he wanted to arrange with me; I said that I had no arrangement to make in reference to that matter; he then asked me to walk outside where no person would hear, and I refused to go; he then said that he would then go in and get Mr. Lyon; oh yes, he told me that Mr. Wilkinson was at the Walker House, and wanted me to go down to Wilkinson's room at the Walker House; he said, "I will go in and get Mr. Lyon and we will walk down together," and I said "no, you need not get Mr. Lyon, I don't go down with you or Lyon at all"; well, he did not see any reason why I shouldn't; I said "I have my own reasons for it, and I shall not go"; after some little urging he went away. I forgot to say that he brought a note from Mr. Wilkinson which, I think, he handed me, and he said, "that note is simply asking you to come down to Mr. Wilkinson's room," and I opened it in his presence, and that is what it was; he had asked me to go to Mr. Wilkinson's room at the Walker House, and I said, "you can tell Mr. Wilkinson that I will call at his room on my way from the House, from the Assembly, when the Assembly leaves, but I shall not go with either you or Lyon at all," and so I went back into the refreshment room and sat down and waited for about an hour; about the close of the Assembly I went home, and on my way home I went up into the Walker House and went into Mr. Wilkinson's room, and after I had been there a few minutes in came McKim and Lyon together.

Q. At that time did they mention that they had seen the menbers of the Government?

A. No, I did not know anything about their arrangement with each other at all.

Q. Did not know for whom they were acting?

A. No, not from them in any shape or form. Mr. McKim and Mr. Lyon came into the room, and McKim sat down at the upper end of the room, at the head of the bed; Lyon came down to the other end of the room, next to the window, where I was sitting, and took a chair and sat down beside me; he shook hands in a friendly manner; I had not seen him since I had met him up in the Algoma election: I was up there and attended a number of meetings; and he called for a drink in the first place.

Q. You were the solicitor in the protest against his election?

A. Yes.

Q. Acting against him?

A. Yes, and he sat down beside me, and he says, "I understand from McKim that you have got some proposition to make to me in reference to my protest." I says, "McKim had no authority for making such a statement as that—in fact my remarks to McKim were exactly opposite; I have no proposition of any kind to make to you," and he seemed a little surprised; then, he says, "I have got a proposition to make to you." Mr. Lyon said that McKim was not near us at that time; he was at the other end of the room; then I said, "What is it?" He said, "If you will give me an undertaking in writing that the protest in my case shall be withdrawn, and get Creighton or Bunting to endorse it, I will vote with the Opposition through the session"; he said, "I have already agreed to vote against the Government on the timber resolution, or timber policy, but I will vote throughout the session against the Government if you will give me an undertaking of that kind."

Q. That is, to get the petition withdrawn?

A. Yes; I said, "I shall certainly not do anything of the kind; I shall certainly not ask Mr. Bunting or Mr. Creighton; they had nothing to do with the petition, and I would not ask them any more than I would ask any stranger to do anything of the sort, and I shall certainly not give you anything of that kind myself, and if you want anything of that sort," I says, "our conversation may just as well end here, because you will never get it from me." He then seemed to think it rather strange, or acted in that way, and did not see any reason why I should not give him that, and urged considerably; and just about that time, while this conversation was going on, McKim came down from the other end of the room, and came down to the lower end where Lyon and I were sitting, and leaned over the edge of the bed, and stuck his head right down as near as he could between us—as close as he could, intending evidently to listen and hear anything that might be said, and then he urged me to promise him verbally; "well," I said, "Mr. Lyon, you have common sense enough to know that the thing you are asking me is absurd, and you ought to give me credit for more sense than that; if you were a supporter of ours, you must know, you have got common sense to know that we would be idiots to try and unseat you"; that is the extent of any promise I made of any kind; I said we would be idiots to try and unseat him "if you were really a supporter of ours," and I said, more than that, I said, "your asking me for that shakes my confidence in your honesty, or destroys my confidence, and," I said, "I shall certainly not give you anything of the kind." They pressed us very strongly, both he and McKim, and I got a little angry about it and felt annoyed, and refused point blank to do it or to say anything else that I had said; "if you are really a supporter of Mr. Meredith's," I said, "of course Mr. Meredith or we"—I used the word "we,—would be idiots to try and unseat you."

Q. But you made no promise?

A. I made no promise of any kind whatever, unless that could be constructed into a promise; that is all I said.

Q. You did not solicit that interview?

A. None of them; in every instance he came to me, not me to him; never solicited or started a conversation or anything else; after some more pressing, some general talk—oh, yes, they were discussing the matter of forming a company and getting hold of the timber limits up in the Thunder Bay District, and talked of forming a company for that purpose, and they discussed that for a considerable time; I sat there while this discussion was going on; I took no part in that at all; finally I said, in a joking way, "If you form this company I hope you will make me solicitor, and give me $5,000 a year," or something to that effect, but it was said in that sort of way; I took no part in the conversation whatever, and after a while they went out.

The CHAIRMAN.—Q. Was that conversation between Lyon and McKim or Wilkinson?

A. No, the conversation was going on; I think Wilkinson probably spoke occasionally, too, but the conversation was mainly with McKim; he was doing most of the talking, and others, I think, made a remark occasionally.

Dr. McMICHAEL.—Q. Was that your last interview with McKim?

A. No, after they had gone out I remained in the room with Wilkinson for a considerable time, and I then started to go home, and going out of the hall of the Walker House—it was about twelve o'clock—some person whistled to me from off in a corner in the reading room just as I was passing out, and the lights were rather low, and I could not see who it was; I went over and I saw McKim and Lyon sitting there together, side by side; Lyon said (I think it was Lyon who spoke), "We just want to say good-night to you and to ask you to have a drink before leaving," something to that effect; I declined, and said good-night, and then Lyon asked me again if I would consent to withdraw the protest, and McKim asked me again; they both urged me as strongly as they could; I said, "I will not say anything further to you than what I am saying, I can say nothing more than that,' and I said good-night and shook hands with them and left them; that is the last I had to do with any of them in any shape or form.

Q. Were you at any part of that time in communication with anybody else respecting this, or was it entirely just what turned up from time to time ?

A. I was in no communication in any shape or form, except what advice was asked me as solicitor by Mr. Wilkinson ; anything apart from what I have stated, that I know in the matter, was simply information given to me by him in asking my advice from time to time ; I took no part in any way or manner other than what I have stated.

Q. They said at one time about your having changed your mind, and while you refused and was indignant because of their wanting you to withdraw the protest, that you afterwards came and said, " Oh, it is all right " ?

A. I never said anything of the kind. Mr. Lyon also mentions a third interview, which never took place at all ; he is entirely mistaken on that point ; there was no third interview ; there was simply the two interviews spoken of by McKim, and McKim makes a mistake on that point by saying they were on two evenings ; he is mistaken—it all took place on one night.

Q. This document that you drew, he just left it ?

A. He just left it.

Q. Did he ever refer to it again ?

A. He never referred to it again.

Q. Never spoke of whether they would or would not sign it ?

A. At least not to me ; I think he left word ; word was left at my office that they would not sign it ; it was left with my clerk, probably by McKim, on the same date.

Q. You received information that it could not be carried out ?

A. That it could not be carried out, and that it was to an end.

Q. Were you to be a party to that agreement at all ?

A. I was not : I had nothing to do with it in any shape or form ; it was written out, not at McKim's dictation, but he mentioned the particulars, and I clothed those in language and wrote them out ; that is all I can say about it.

Q. That has been destroyed ?

A. It was destroyed somewhere about the time—the next day or the day after.

Q. There is something said about a promissory note that you were said to have signed—is there any such thing as that ?

A. I never drew, signed or endorsed any promissory note in favour of McKim or any other member of the Legislature, to my knowledge, in my life.

Q. Was there ever a note that was to be signed by Bunting or endorsed by Bunting ?

A. Not to my knowledge.

Q. Did McKim give you to understand there that he had been directed to come to your office by any one ?

A. I don't think he did, I don't recollect of his doing so.

Q. He did not tell you that somebody had sent him there ?

A. I don't think so.

Q. Did you make any charge for that document ?

A. I did ; my clerk did.

Q. The same day?

A. I think so; he can speak as to that; he keeps the books and makes all the entries.

Q. How did he come to make a charge?

A. He asked me about the document; he saw the agreement lying on my table and he asked me what he would charge for it, and I think he made a charge of $4.00 for it against McKim.

Q. Then you did not volunteer that as a piece of help to any party?

A. Not in any sense, or shape or form; I did not know anything at all about any proceedings of any kind at that time from anybody: anything I learned afterwards I learned it from Wilkinson, as he told me from time to time as he came to me to ask my advice as to whether he should comply with certain requests that were being made to him, and what would be the consequence, which I advised him on on several different occasions when he gave me the particulars.

Q. As to requests?

A. Requests that were being made to him.

Q. Did you ever enter into any plot, or plan, or contrivance, or confederation with anybody?

A. Not in any sense whatever,

Q. You have told us all what happened with these parties?

A. I have told you all I can recollect.

Q. Do you know the character of Mr. McKim?

A. I have heard people speak very badly about him.

Q. Do you know the character of Dr. Cascaden?

A. My opinion is that he holds a very bad character there, from what I am told; however, that is a matter that I do not speak upon; some people might give him a very good character, and others a very bad one.

By Mr. CASWELL.—Q. What is the first time that you met Mr. Kirkland?

Dr. MCMICHAEL.—I object; we have not given any evidence affecting them; I will ask that myself. (To witness) Q. Kirkland's name has been mentioned; when did you first see Kirkland?

A. The first time I ever saw Kirkland to know him at all in my life was when I met him at the Police Court the morning that he was summoned there.

Q. As a fellow criminal?

A. Yes.

Q. You never had seen him before?

A. I never saw him before.

Q. Had you any communication with him?

A. Never, directly or indirectly, neither verbally or in writing, or through any other individual.

By Mr. Blake.—Q. You said that there was a draft agreement, and also the agreement itself?

A. Yes.

Q. Have you got those with you?

A. No.

Q. When did you last see him?

A. I last saw them the following day, for a day or two after McKim was there; they were destroyed then.

Q. Do you recollect whether it was the day after?

A. I think it was either the day after or two days after; the draft was destroyed at the time—on that day.

Q. Did you fix the date?

A. I did not fix the date, it is either the 7th or the 8th; my impression is it is the 8th February.

Q, On the 8th February, the day that he came there, you destroyed the draft, and either on the 9th or 10th you destroyed the original agreement?

A. Yes.

Q. Was there a note produced at that time?

A. None whatever.

Q. You never saw a note?

A. Never saw any note at all.

Q. Have you got your book with the entry of the charge?

A. I will produce it; my clerk will produce it.

Q. Do you know where the pieces of the agreement went?

A. They went into the waste paper basket and were taken out when the office was cleaned.

Q. Had you seen Mr. McKim between the date of the making of the agreement and your destroying it?

A. No; I never saw him except on that day in my office.

Q. You made a charge for this agreement?

A. My clerk made the charge.

Q. I suppose when you had made the charge that then it became the property of Mr. McKim?

A. The agreement, well, it was not executed by any person—not signed by any person.

Q. Why did you destroy the agreement which you had prepared, you had not in the meantime seen him?

A. Because word had been left that it never would be executed; the matter had dropped entirely.

Q. When was it that word was left?

A. That same day.

Q. By whom?

A. Well, I don't know; I think it was Mr. McKim that left the word.

Q. Was it with you that he left the word.

A. I think not; it was with my clerk.

Q. Have you any recollection upon it?

A. My recollection is, I have a recollection that it was with myself, but I would not be positive.

Q. When he came and said that it would not be used, could you give as near as possible the language?

A. That the matter had fallen through; that the party would not sign the agreement.

Q. And that was the 8th you think?

A. On the same day; it may have been the 7th; I would not be positive to the 8th—either the 7th or the 8th; the date of the entry is the 8th.

Q. It was at your office that Mr. McKim saw you and mentioned that the thing had fallen through?

A. Yes.

Q. Then did he say who was going probably or possibly to sign the agreement?

A. No.

Q. Then you finished it, completed it, and had it engrossed?

A. I engrossed it myself—re-wrote it myself.

Q. And he would not tell you who was going to sign it?

A. He did not tell me.

Q. And then, why did he not take the agreement with him?

A. He was to get the parties to come to my office to sign it.

Q. He would not let you know the names of the parties?

A. No.

Q. Did he give you any reason for not letting you know the names of the parties

A. I don't recollect any reason.

Q. Did he not say it was something that was not to be made public?

A. He mentioned that. He said it was a peculiarly private matter, and he was careful to keep away from the window so that nobody would see him.

Q. He was to bring the parties to your office to have it signed?

A. Yes.

Q. When was it he was to bring them?

A. That day.

Q. Therefore, it was not to be a matter that was to be kept secret from you, because, of course, you would know?

A. I would know when the parties came.

Q. It was to be secret from everybody but yourself and Mr. McKim?

A. I did not make any inquiry.

Q. That being so, he came in the same afternoon, you think, and told you that the matter had fallen through—that the parties would not sign?

A. Would not sign.

Q. Was Mr. Wilkinson with him on both of these occasions?

A. No; Wilkinson was only there on the one occasion.

Q. Do you recollect about what hour it was on the first occasion of their coming to your office?

A. Well, I would not be certain as to the hour; it may have been twelve or one o'clock or along there, or possibly—well, I could not speak as to the hour; in fact, my recollection as to the first meeting, as to the particulars of it, is indistinct, as I did not charge my mind with it at all—somewhat indistinct.

Q. Your recollection as to the first interview?

A. As to the particulars—the details.

Q. Your recollection would be indistinct, as you did not charge your memory with it?

A. No.

Q. You could not tell me what length of time elapsed between the first interview and second interview on that day?

A. No; it was some time in the afternoon, I think; sometime along about four or five o'clock.

Q. About four or five o'clock, he saw you the second time?

A. Well, he either saw me or saw my clerk; my recollection is he saw me, but I am not positive.

Q. Do you recollect any more conversation than that the matter had fallen through, and that he could not get the paper signed?

A. That was all.

Q. On this occasion of Mr. McKim's visit, how long had Mr. Wilkinson been in your office that day before Mr. McKim, that you can recollect?

A. Not to my recollection.

Q. Would it be so good upon it that you would pledge your oath absolutely?

A. Well, I would not pledge my oath absolutely, because Mr. Wilkinson was frequently in my office; whenever he was in Toronto, he was generally in my office; I had a number of matters on hand for him, and he usually came to my office the very first thing.

Q. You had been his solicitor for some years?

A. Not for some years, no; I had been his solicitor for some months; for over six months prior to that I had an action,—well, I don't know that I need to mention that.

Q. Had you known him for a long time?

A. No, I had not known him for a long time; I first met Mr. Wilkinson in the Algoma election; I went up there to speak at some meetings and found him there; that was in the beginning of September, 1883, and after he came down from Algoma he came to my office and left instructions with me in a suit; and then I had other matters for him right along after that.

Q. Did you not meet him in some more election contests?

A. No, that is the only one.

Q. Do you recollect at this period of time, the 7th or 8th February, what matters you had on hand for Mr. Wilkinson?

A. Well, Mr. Wilkinson gave me most of the particulars in regard to the Algoma election, as to the eastern end, the Manatoulin Island section; he was in correspondence with a number of people in that part of the district, and he gave me nearly all the particulars that I had.

Q. Then do you recollect that you had any other matter of business?

A. Yes, I had another matter of business; I don't know that I should mention it; in fact I should not mention it: it might be injurious to Mr. Wilkinson.

Q. Will you pledge your oath to the fact that he was discussing that with you in this first week in February?

A. He was.

Q. Your books can show that, I suppose?

A. I don't know whether there is any entry of that in my books or not, because the writ was never issued in the case, and after the exposure, after his arrest, of course it was not proceeded with; it was a libel case, I may tell you.

Q. Did you not charge for advice?

A. I do charge for advice, but I do not make the charges at all; it is my clerk makes the charges; I never make any charges myself at all: I just mention certain people, and he comes in with the book to me and he puts them down.

Q So that we would not be able to trace from that book this matter of business that you had with Mr. Wilkinson at all?

A. I have not looked specially: there were two other matters that I had on hand.

Q. Is your book in court?

A. It is not in court; my clerk will produce it; there were other things; possibly you might find them entered there; I have not looked to see.

Q. At the present moment you cannot swear positively without looking at the book whether there was any other matter about the 7th or 8th of February?

A. I swear positively there was another matter, but whether it is entered there or not I don't know.

Q. But that he was getting advice from you on the first week of February?

A. Yes.

Q. Then you say you were seeing him constantly, and, therefore, you could not speak with the same accuracy as if you had only one or two interviews?

A. No, I could not.

Q. Used you to see Mr. Wilkinson except at your office?

A. I have seen him at other places; I have been at his room at his hotel on two or three different occasions, when he would send for me; usually sent a note for me, or something of that kind, saying he wished to see me and could not get out, or something, and I would see him if I could, if I had time; if I couldn't go I wouldn't; sometimes he would be at my office and not see me, and he would leave word that he wanted to see me specially, and ask me to call at a certain hour if I would do so.

Q. Then was Mr. Wilkinson with Mr. McKim at your office at any time except this one occasion?

A. At no other time; and Mr. McKim was not there on any other day than the day I mentioned, to my knowledge.

Q. How long was it—you said that they had some considerable talk at your office?

A. Oh, the talk went on for possibly half an hour, may be longer; I cannot recollect as to the time, between Wilkinson and McKim.

Q. Was there any other client came in?

A. No, no other client came in; my clerk came into the room several times while McKim was there, but no person else came into the room at that time.

Q. Then when Mr. McKim came in on this occasion, what was the first that passed between you?

A. Well, I have given it as near as I can; he spoke to me about that he was a member of Parliament for Wellington—one of the Wellingtons, I think.

Q. Were you surprised to see him?

A. No, I was not surprised to see him at all.

Q. Did he present his card to you?

A. No, he did not; he was introduced by my clerk, in fact he mentioned his name; my clerk knew who he was, had seen him before.

Q. Is your office so situated that you would see him coming into the room?

A. No.

Q. Your clerk came in and introduced him in what way?

A. He came to the door and said, "Mr. McKim."

Q. When he came in did you first address him or he you?

A. He addressed me first.

Q. What was it that he said?

A. I don't pretend to give you the language he used; I don't recollect on that first occasion the language he used; the substance of it was that he was a member for one of the Wellingtons, and that he had some arrangement with some person by which he was to secure certain votes against the Government, and that he was to receive a certain consideration for working up the matter, for his time and expenses, as I understood.

Q. Will you swear that he said that?

A. Well, I won't swear positively what he said; I won't swear positively as to any words, but that is the impression on my mind at the present time; on that first occasion I will not undertake to swear positively to any word McKim said.

Q. Then I cannot hope to get with any absolute accuracy from you what passed between you then?

A. No, you cannot.

Q. Something did pass between you?

A. Not between me and him, because I said very little to him, the talking was mostly on his side.

Q. Had you any conversation with him that you can recollect at all before Mr Wilkinson came in?

A. This was going on when Mr. Wilkinson came in.

Q. How long had it been going on before?

A. Well, it had been going on for some little time; I think Mr. Wilkinson had been in the outer office, and that my clerk came in then, I am not sure about that, but I know it had been going on for probably ten minutes.

Q. Have you got two or three rooms in your office?

A. Only two.

Q. You think that the conversation, that is your recollection of it, without pledging absolutely your oath to it, the conversation had been going on for some time when your clerk came in and said that Mr. Wilkinson was in the room?

A. I don't recollect; I don't say as to that, whether my clerk introduced Wilkinson or not, or whether Wilkinson came in himself—I am not sure about that.

Q. I thought you said that Wilkinson had been sitting for some time in the outside room before?

A. Well, it just occurred to me that I had some recollection of that, but I am not quite sure.

Q. You don't know whether Wilkinson had been remaining for some time in the outside room before he was brought into your room?

A. I don't know.

Q. Did Mr. McKim say anything to you about being the solicitor of the Conservative party?

A. He said something to me about being a Conservative.

Q. Did he not say something to you about being the solicitor of the Conservative party?

A. No, I don't think he did; he may have said that word, I am not positive about that; he may have used it in that way, but my recollection at present is that he spoke about my being a Conservative solicitor, or Conservative.

Q. Did he say anything more about either Conservative or Liberal, or so on?

A. Not that I recollect of; he spoke something about my being a solicitor, Conservative solicitor; I remember his saying something about that, but as to anything else I don't remember.

Q. Did he say that he had come to you because you were the solicitor of the Conservative party?

A. He said something of that kind, something of that sort.

Q. Did you wonder why he had come to you as being the solicitor of the Conservative party?

A. No, no, he did not, I am sure he did not say that now.

Q. Quite sure

A. Yes; he came to me because I was a Conservative solicitor, that was it.

Q. How would he come to you because you were a Conservative solicitor?

A. I understood he did not want any person else to know; any person on the other side.

Q. As you understood it; did he say that to you?

A. As I understood it he said that to me; yes, that he did not care about confiding his business to any person whose interest it might be, or whose feelings it might be, to interfere with it in any way.

Q. And he came to you, then, because you were a Conservative lawyer, in order that he might intrust you with this business?

A. Yes, I understood so.

Q. Had he gone much further than that when Mr. Wilkinson came in?

A. I don't think he had gone any further than that.

Q. Then when Mr. Wilkinson came in, who was the first to speak?

A. Well, I don't recollect that.

Q. Was Wilkinson surprised to see McKim there?

A. I don't think he was; or at least I don't remember whether he was or not.

Q. This was to be a very secret matter; he would not go near the window, and didn't he shrink away when Wilkinson went into the room?

A. Well, he did not appear to; they sat down and discussed matters; they seemed to be well acquainted with each other.

Q. They began, without any surprise, to sit down and discuss matters?

A. Yes, and sometimes he got up and walked around; he did not seem to be so much afraid of a window at that time; I recollect now he went towards one of the windows and looked out; I remember that.

Q. Did they at once then begin to discuss this matter when Wilkinson came in?

A. They began discussing; I can't tell you; I can't pretend to tell you the details of their conversation at all; I was engaged in my own business.

Q. Were you not listening to the instructions?

A. The instructions were not given then?

Q. They certainly did discuss this matter?

A. They discussed politics in general, and something about an office in the North-West; that is my recollection; but as to this particular matter I don't recollect that anything was said about it at all; I don't think it was.

Q. About an office in the North-West, do you recollect what office it was?

A. I think it was a registrarship that McKim wanted Wilkinson to get for him, offering to resign his seat.

Q. Your memory is brushed up a bit?

A. Well, that is merely a recollection; it may have partially arisen from subsequent information, but I don't know that I ought to mention anything further in connection with Mr. Wilkinson, because he consulted me in this particular matter, and any information I have of the matter comes through him; and as his solicitor he was asking me my advice.

Q. So that Mr. Wilkinson consulted you in this matter, and very properly you do not like to pledge your oath to what happened, because it might be from information that Mr. Wilkinson has given you?

A. I do not like to; I think it was; Mr. Wilkinson has told me that he has told me all that occurred—intimated that he had told me substantially what had taken place between him and Mr. McKim, or at least all that had taken place, and all that McKim wanted done; all that he had talked of doing for Mr. McKim, and all that McKim wanted him to do; I think that he had told me most of that.

Q. You do not like to tell me what Wilkinson told you, but you do not object to tell me what McKim told you?

A. Anything that Mr. Mckim told me I intend to tell, unless Mr. McKim objects to my telling.

Q. This must have very nearly occupied three quarters of an hour?

A. The whole time; yes, I fancy so.

Q. How long after you prepared the draft did you prepare the agreement itself?

A. Immediately. I made the alterations as they were suggested by Mr. Mckim, and when he said that was about right, I then wrote it out at his request and handed it across the table to him, and he read it and said it was all right.

Q. Did Wilkinson assent to the draft as well as McKim?

A. Wilkinson was not there; Wilkinson went out when I began writing the agreement—went out into the outer office. I don't know whether he went away or not.

Q. You can't say whether he was away before McKim left or not?

A. I can't say.

Q. Then when the instructions were given, did you commence to jot the thing all down at once?

A. No, I did not jot it all down at once; he told me the particulars, and I wrote it down without stopping.

Q. Then as I understand, Wilkinson left, and the moment that Wilkinson left you began to jot the thing down; and how long did it take?

A. McKim came over to my table and sat down opposite to me, and gave me the instructions there as soon as Wilkinson went out of the room; as soon as I heard his whole story, I wrote it down as I understood it, and then I read it over to him; he suggested alterations, and they were made, and then it was re-written.

Q. Do you remember the contents of it?

A. I don't pretend to recollect the contents at all.

Q. You could not give us an idea?

A. Well, I may be wrong.

Q. Unless you have got some recollection upon it,—I don't want you merely to guess?

A. My best recollection is this, that he was to receive a $1,000 after the vote was taken, and a $1,000 before the close of the session, of this $2,000 of the party.

Q. And anything else said about an office in it?

A. No, nothing about an office.

The CHAIRMAN.—He was to get $1,000?

A. $1,000, I understand, after the vote was taken, and $1,000 before the close of the session according to my recollection; I may be wrong about that. but that is the best of my recollection upon it.

Mr. BLAKE.—Q. Do you recollect anything else that was in the document beyond that?

A. Well, I don't recollect the language.

Q. Any other matter?

A. My impression is that for his own vote, for his services, for his time and expense in getting others to vote upon this question he was to receive this money; considerable expense he said it was; he told me it was pretty expensive to see these people and entertain them, and one thing or another, and he could not approach these people all at once in regard to that matter.

Q. Was the name of McKim mentioned in the agreement?

A. No, no name whatever.

Q. Still he had told you that his name was to be?

A. He told me that he was one of the parties.

Q. Why did you not insert his name in it?

A. Because he told me distinctly not to.

Q. What was it that the other party to the agreement was to do in the agreement

A. Nothing but to pay the money, that is all.

Q. Then was it said that there was to be any particular vote taken, or what they were to vote upon?

A. My recollection is that it was the timber policy, the timber question; it was after the vote on the Address that he was at my office.

Q. You think the vote on the timber policy was either mentioned in the agreement or spoken of by McKim at the time?

A. He spoke of the matter to me; I did not say it to him other than getting the instructions; when he says in his evidence, they did this, they did that, and they did the other, it is entirely untrue so far as I am concerned, because I did nothing of the kind; I simply regarded myself in the position of a solicitor and heard what he had to say, and it may have been right, or it may have been wrong

Q. Are you sure that Mr. Wilkinson was with Mr. McKim in your office on this occasion?

A. He was.

Q. Did you write a letter explanatory of some matters?

A. No, a reporter called upon me, two or three different reporters called that time, and some people thought I ought to make some explanation, and some people advised me to do it, and at the time of the excitement, somewhere about the 17th March, or a few days afterwards, a reporter took down in shorthand what I had to say to him.

Q. It appeared as signed by your name?

A. Yes, it appeared so.

Q. Is this a copy of it (printed copy of letter produced, marked as published 21st March)?

A. That looks like it; it appeared, I think, about the 19th or 20th March.

Q. Did you not yourself sign that paper?

A. No, I did not, I am sure; I did not give the instructions, the reporter came to me and asked me.

Q. Who was it?

A. I don't remember.

Q. Do you not know the name?

I don't know the name and don't know the person; I have forgotten the name and even the face of the reporter; it was some *Mail* reporter, I don't remember who it was.

Q. Then you simply gave him the facts?

A. He sat down opposite to me and took it down in shorthand as I mentioned it; it was a matter of ten minutes.

Q. Did you read it over to him?

A. I did not, I merely gave it off hand, verbally, as he sat writing.

Q. I suppose your recollection of it was quite as good then as it is to-day?

A. Yes, I dare say it was.

Q. Because in that you say that Wilkinson and McKim were not in your office on this one occasion?

A. Yes, I say there that they were never at my office, but I mean they never were at my office on the same business, or probably it should have been never came to my office—some mistake, that is in regard to the statement, taken down wrong; I noticed that afterwards, but of course I could not correct it very well.

Q. You never did correct it?

A. I never did correct it.

Q. You saw that?

A. I saw it at once, and mentioned it at the time.

Q. But you never did correct it?

A. I never did correct it?

Q. "Mr. Wilkinson was never at my office with the said McKim at any time?"

A. Well, that is not correct; that is wrongly reported; what I said was, that he never was at my office—either that he never was at my office on the same business, or that he never came to my office; one or the other of those expressions I made use of, and it is wrongly written out by the reporter.

Q. Did you on that occasion transact any business with Mr. Wilkinson?

A. I did not.

Q. He just came in and was present with McKim, and went out without transacting any business?

A. Without any business?

Q. Were you in the habit of seeing Mr. Wilkinson almost every day about this time?

A. Not every day, but perhaps I might say every two or three days I would see him, and perhaps on the day that he would see me he would see me perhaps once or twice, a couple of times.

Q. Were you much at the House yourself?

A. Not much, no, I was only there on a few occasions.

Q. Mr. McKim says distinctly that when he went to your office Mr. Wilkinson was there; will you swear that he was not in either of your rooms?

A. I will swear he was not in my room at the time; I won't swear that he was not in the outer office, because I was not there; he may have been, but he was not in the room when McKim came in.

Q. Do you recollect how many times you saw Mr. Lyon about this matter?

A. I never saw him but the one occasion, the one evening.

Q. You have given us the two?

A. Oh, yes, Mr. Lyon, after the 17th of March; I might just mention—I had forgotten it before in reference to Mr. Lyon—that after the 17th March, and before Mr. Lyon resigned his seat, he sent to me on two different occasions and asked me to withdraw his petition; on the first occasion he said he would not give evidence against me if I would withdraw his petition in this case, and on the second occasion I told him I didn't care for any evidence he would give, he had nothing to say against me; and on the second occasion he said he would agree to vote for Mr. Meredith hereafter if I would consent to withdraw it. I told him that a proposition of that kind ought to be made to Mr. Meredith, and he had better go and make it to Mr. Meredith and see how Mr. Meredith would treat it; these are propositions that Mr. Lyon sent to me through Mr. McCrea.

Q. On how many occasions did you see Lyon, I asked you?

A. Only on the one occasion; that was in Wilkinson's room, and then on the same evening in the same hotel.

Q. Those are the only occasions?

A. I am positive and clear, there is not a bit of doubt upon it at all, as to what occurred on the last siege, as Mr. Pardee calls it. I am perfectly positive.

Q. Do you recollect being somewhat indignant when something was said about withdrawing the petition?

A. Yes, I was angry, and expressed it.

Q. Do you recollect Mr. Bunting's name being stated?

A. They asked me if I would get Mr. Bunting to give a written promise and get

Mr Bunting to consent to it, and I said that I didn't know that Mr. Bunting had anything to do with it any more than any other stranger, and that I would not think of asking him.

Q. Did you always adopt the same tone in speaking?

A. On my leaving one night I did not speak in the same angry tone to them, but I told them distinctly that I would not do anything different from what I had said, I could not say anything different from what I had said; I was parting from them, and I shook hands with them.

Q. You had in the meantime been with Wilkinson?

A. Wilkinson and I had been together in his room. I felt annoyed at their pressing me, and told them distinctly I would not do it.

Q. When did you last see Wilkinson?

A. I may say that I told him more—I told him it was an unprofessional thing to do. That was my reason for not doing it—that I thought it was not a proper thing for a professional man to do.

Q. Mr. McKim has stated that you thought your services in that matter were worth about $2,000. Do you recollect saying that to McKim?

A. Whose services?

Q. That his, McKim's, services were worth $2,000?

A. I never stated anything of the kind.

Q. And that you had the draft of the agreement ready when he went into the room?

A. That is entirely false.

Q. And you had a note there signed?

A. He is entirely mistaken or is telling what is untrue.

Q. Do you recollect that there was some talk about who was to get the glory of the defeat?

A. That is simply absurd—nothing of the kind occurred. Even McKim doesn't mention that; it is simply Lyon's story.

Q. I think McKim mentions it very distinctly, because he speaks of what you said about your being solicitor of the Company?

A. That is a different thing. The solicitor of the Company is one thing, and the glory of defeating the Mowat Government was spoken of by Lyon. It really never occurred, and at any rate it was a different thing.

Q. It was stated that you mentioned that, after you began to discuss this question of the timber?

A. I do not recollect it in that order.

Q. All you recollect is the question about the formation of the Company which was to get the timber?

A. Yes, and they said they would get the best of the Yankee.

Q. And you were to get the solicitorship?

A. Nothing of the kind. The conversations were going on between the parties when I said, I hope you will make me solicitor. I treated the whole thing as a joke, as I had no confidence in the men from the beginning. The first time I saw McKim I saw what kind of a man he was.

Q. You applied for the solicitorship?

A. No; I said, I hope you will make me solicitor at $5,000 a year.

Q. McKim, Lyon and Wilkinson were present?

A. Yes, they were all together just before they went out of the room at the Walker House.

Q. Did they go into any of the details of the Company at all?

A. I do not recollect any, and I do not think they did. I thought they were all joking—I did not think they were at all in earnest about it.

Q. Yes, that is the usual gloss which is put on that kind of thing?

A. That is a fact, I think. It is not the usual gloss.

Q. But whether joking or not, you applied for the solicitorship?

A. No, I didn't apply; I simply said what I have stated,—"I hope you will make me solicitor at $5,000 a year."

Q. Perhaps you were to have some stock in the Company?

A. No, none whatever—no part of the Company.

Q. How many interviews had you with McKim?

A. I simply had the first in my own office and then two interviews the same evening at the Walker House about a month later.

Q. No other interviews at all?

A. None at all.

Q. None at the House?

A. He spoke to me at the House; that was all the same evening.

Q. Still, the place was different?

A. Yes, that is true.

Q. You had an interview at the House, two at the Walker House, and two at your own office?

A. One at my office. Possibly he spoke to me afterwards, though possibly the instructions came from my clerk. I have no recollection about it further than that.

Q. Now, in the first interview with Mr. Cascaden, I was not able to catch how many you said you had with him, but in the first interview you stated that you asked him whether he would let you speak to him in confidence?

A. Yes.

Q. Was that at the first interview?

A. Yes, we never had but the two. Cascaden only mentions the two, and I think he is correct as to that.

Q. They were at the Rossin House?

A. No, he is mistaken about that. The first interview did not take place at the Rossin House.

Q. He has given three—two at the Rossin House and one at your office?

A. You are mistaken about that.

Q. No, he says there are three?

A. The first took place in the smoking-room of the House of Assembly and the other at the Rossin House the next day.

Q. Then it was on the first occasion he asked you whether he would speak in confidence?

A. No, I asked him that after we had opened the subject, not as he puts it, when he didn't know anything about it.

Q. Never mind that; that was your request to him?

A. Yes.

Q. What did he say to that?

A. He said certainly; he was pleased.

Q. At all events he assented?

A. Yes.

Q. Whether pleased or displeased?

A. Yes.

Q. And then you proceeded to tell him a number of members were disaffected from the Mowat Government?

A. Yes.

Q. As a matter of fact was that the case?

A. I understood so.

Q. Whom did you understand to be disaffected at that time?

A. I don't know whether I knew the name, but at all events I didn't tell him.

Q. But whom had you understood were disaffected?

A. I understood that Harcourt was disaffected, and that Mr. Gibson was to a certain extent disaffected. I heard that Mr. Blezard was, and that Dr. McMahon was suspected. I don't remember any other.

Q. Dr. Dowling?

A. I had heard nothing about him; I knew nothing about Dowling or Balfour.

Q. Anybody else?

A. I think I heard McCraney was, and I think I heard Graham was.

Q. But these you didn't mention to Cascaden?

A. No.

Q. From whom had you heard?

A. I don't know; I really don't recollect.

Mr. McMichael.—I don't think these hearsay questions have anything to do with it.

The Chairman.—He asks whether he had spoken of these to Cascaden.

Mr. McMichael.—And he said he hadn't.

Mr. Blake.—Surely I am at liberty to ascertain where it was the witness procured his information?

The Chairman.—I should think so.

Mr. McMichael.—In what way? The question at issue is now as to the charge brought against Mr. Meek, whether he conspired, as is alleged, or offered a bribe. Now he gives the conversation which occurred with Dr. Cascaden, but he gave no names, and my learned friend wants to go back and ascertain what his information was on a matter which was not mentioned to Cascaden in that way.

The Chairman.—Supposing the witness was going to say that he got the information from McKim, would not that be evidence?

Mr. McMichael.—I should say not

The Chairman.—Or from Wilkinson?

Mr. McMichael.—I should say not.

The Chairman.—Not if he heard it from Wilkinson?

Mr. McMichael.—Well, I am afraid I am in a conspiracy, too, for I do not think so.

Mr. Blake.—Perhaps when this case closes we will ask to amend the particulars by introducing my learned friend.

Q. From whom did you get the information?
A. I do not remember.

Q. With whom were you discussing the question?
A. I discussed it with a great number of men.

Q. Can you give me the names of a few?
A. I cannot tell you.

Q. You are a strong politician?
A. Well, I have taken a middling active part in politics.

Q. You would not put it as strong as Mr. Vicars, that you would like to see a stronger one?
A. No, I do not put it that way. There might be much stronger men than I am.

Q. You are at all events a pretty strong Conservative?
A. Well, I have taken an active part.

Q. And in a good many elections?
A. No, but in some of them.

Q. And in those you have been pretty active?
A. Well, yes; I have usually attended the meetings; that is all I have done.

Q. You were not telling what was untrue to Cascaden?

A. No.

Q. Then you stated that a number of the members were disaffected and a number were in favor of coalition?

A. That I understood so.

Q. Now, I want to know the source of your information; please give me the names of some?

A. I discussed the political situation with a good many people.

Mr. McMichael.—I hope my objection to this evidence has been taken down.

The Chairman.—I think Mr. Blake is in order in asking from the witness anything which would tend to prove a conspiracy. The charge is a charge of conspiracy for the purpose of obtaining a majority in the House, and if it could be extracted from him that he got this information from these parties, it would be evidence of that conspiracy—it would be evidence towards it.

Mr. McMichael.—I think the mere fact that he got the information is no evidence whatever of his having conspired.

Mr. Blake.—I have not said it was.

Mr. McMichael.—His Lordship said it was.

Mr. Blake.—No; he said that the source might be evidence.

Mr. McMichael.—It might be evidence against them.

The Chairman.—It might be evidence against the witness.

Q. Then you say you discussed it with many people. Now, can you mention the names of some of those with whom you discussed the situation?

A. I do not recollect whom just at that time.

Q. Will you swear that during that period of time—the first week or ten days—you did not discuss this with Mr. Bunting and Mr. Wilkinson?

A. I will swear that positively.

Q. That, during the sittings of the House, you didn't discuss the political situation with either of those gentlemen?

A. With either? You said with both of them.

Q. No, any of them?

A. I think I did discuss it with Wilkinson. I think he came to me to see me about it, and that he spoke to me about it in my office while he was there.

Q. Will you swear that you didn't discuss this question with Mr. Bunting at any time?

A. I swear that positively.

Q. You never discussed the political situation with him?

A. I cannot say I never discussed the political situation. But, as to the matter you are referring to, as to what occurred between Cascaden—

Q. I am referring to what you yourself answered to this question—the political situation which you had discussed with so many people, and you could not give me a distinct answer?

A. I discussed it with many people at different times.

Q. And you said also that there was not only the question of disaffection, but they were in favour of coalition?

A. I understood so.

Q. Now, as a matter of fact, you believed that to be the case?

A. Yes.

Q. Did you get that fact also from the same source as you got the other?

A. I cannot tell you that.

Q. From what source did you get it?

A. I have no recollection; I cannot tell you.

Q. But you have a recollection of the fact that you did get it?

A. That I got the information from some source, I have no doubt.

Q. Well, then, you probably got it from the same source that you got the fact of the disaffection?

A. Most of the information I received—

Q. Didn't you get it from the same source, and, if not, from what source did you get it?

A. I cannot say whether I got it from the same source. The only source I can think of from which I could have received information would be probably Mr. Wilkinson, when he was in my office. That is most probable, though I can't give you anything positive about it. Probably I got it from him, because he usually discussed politics with me when he was in my office; because he came in and gave me all the particulars about the eastern end of Algoma in the election, and made a long statement.

Q. He frequently discussed these questions with you when he was in Toronto?

A. Yes.

Q. You also told him there was no reason for not coalescing; you stated that to Cascaden?

A. Yes, I said then as I say now, that I am in favour of it.

Q. At Ottawa as well as Toronto?

A. Well, anything that would do away with bitter personal politics, I am in favor of that.

Q. You would not go further than that?

A. No; there are questions of principle at Ottawa in the Conservative party, but I think the main question, the Boundary Question, is settled here.

Mr. McMichael.—Did he say there were no principles here, but that there were some in Ottawa?

Mr. Blake.—No; no principles, but some questions of principle.

Q. You asked Cascaden at the first interview if he would be willing to vote against the Government?

A. Yes, after he had said—

Q. Never mind that; I didn't ask you when.

Mr. McMichael.—The witness gives his answer and states when it was given.

Mr. Blake.—I didn't ask the time or place, but I asked if he had asked a certain question.

Mr. McMicheal.—That was not the question at first.

Mr. Blake.—Yes; Mr. Meek will corroborate me.

The Witness.—I think you are correct probably. I think you asked me without reference to time, as I understood it, but I wished to state the time myself.

Q. Well, we will get at that time enough. The only question I ask is, whether you didn't ask him at the first interview whether he would be willing to vote against the Government?

A. Yes.

Q. And now what I ask you is, what was the answer given to that?

A. The answer was that he would consider it, that was all. He told me he was in favor of a coalition Government.

Q. You have given that already, and you will not strengthen it by duplicating.

A. I want to give it in the proper order.

Q. Well, it is down now?

A. Well, sometimes a piece of evidence is used not in a proper connection.

Q. You know that you are there to answer the questions as I put them?

A. Certainly, that is what I mean.

Q. I ask what answer he gave?

A. The answer he gave was that it would result in the dissolution of the House, that he would have to go back to his constituents, and he was afraid he would be defeated, and he would therefore have to consider.

Q. Do you think he meant that, because you remember that he opened the conversation by saying that he could carry the constituency against anyone?

A. He didn't say that to me, but he said he had told that to the caucus—to Mowat, Hardy and Pardee. He said that was what he said to Hardy, Pardee and Mowat, at the interview they had the evening before, or the quarrel he had with them; he called it a quarrel.

Q. And didn't he reaffirm that?

A. No, he spoke differently from that; he didn't speak so confidently to me at all.

Q. And he didn't say that you could carry the constituency?

A. He said that if I got a share of the Catholic vote, I could carry it.

Q. And that he could control that vote in your favor?

A. That was at the second interview.

Q. What did you say?

A. I didn't say much.

Q. He said he could control that vote?

A. Yes.

Q. And that your election would be reasonably sure?

A. I would have a good chance, he said.

Q. Was anything said in the first interview about the Conservative party doing anything for him in case he resigned?

A. No, not in case he resigned. That was not spoken of.

Q. In what case?

A. In case there should be a dissolution of the House he would have to go to his constituents, and if he were defeated he would be left out in the cold, for knowing something of the gratitude of political parties—

Q. What did you assure him?

A. I told him I had no doubt that the Conservative party would do something for him if he was of service.

Q. Was anything said about the North-West?

A. Nothing to my knowledge.

Q. Or British Columbia?

A. Nothing.

Q. Will you swear there was not?

A. I will swear positively that nothing of the kind was mentioned to my recollection.

Q. Will you swear that there was not?

A. I will swear positively as to British Columbia; I am not so positive about the North-West: I am positive British Columbia never was mentioned.

Q. Was not the North-West mentioned in connection with the health of Dr. Cascaden?

A. No, not at all.

Q. Will you swear to that?

A. If it was mentioned at all, I do not recollect it; I have a recollection in one or other of these interviews of his speaking about his seeking private life and getting away from the troubles in his own constituency.

Q. I am speaking of the North-West?

A. I will tell you; and that he would like to sell out and go to the North-West, and get rid of these accusations; he said, "You know as well as I how I have been treated."

Q. Was there nothing said in regard to his health?

A. Nothing.

Q. Will you swear to that?

A. Positively; that is entirely untrue.

Q. If anything was said about his getting anything in the North-West —— ?

A. Nothing was said of that kind.

Q. But you said the Conservative party would do something for him ?

A. I didn't say I would do anything, but I said I thought the Conservative party would.

Q. You thought it was true ?

A. Certainly.

Q. Upon what did you base that ?

A. I based that upon my knowledge of both parties in the past—of what they had done for men who have been useful to them in emergencies—both parties.

Q. Was it personal knowledge ?

A. No, I never received the value of one red cent from any political party in my life

Q. Was it rather what you thought they should do ?

A. No, I was simply speaking from my knowledge of the history of parties.

Q. You were bringing an abstract fact to bear upon this particular matter ?

A. Yes.

Q. And from your knowledge of what was done, at all events, in the one party ?

A. Not my personal knowledge, but my knowledge of what was said to have been done.

Q. I didn't say your personal knowledge, but you thought you could make a promise to him ?

A. I didn't make a promise.

Q. Your statement then ?

A. Well, I made a statement.

Q. You made an assurance ?

A. Well, I was saying what my own thought or belief was on that point.

Q. Now, there was something said about not saying anything to disaffected members ; who was it introduced that, and what reason was given for it ?

A. I spoke to him, but not about that.

Q. Yourself ?

A. No , what I stated was that I didn't give him the names of those ——

Q. But you were not to say anything ?

A. No, I didn't say that ; I said I had asked him not to mention anything I had said to him ; that I spoke in confidence, and he gave me his word of honour that nothing would be mentioned.

Q. But you said in answer to your counsel that nothing was to be said about the disaffection of members ?

A. I do not recollect saying anything of the kind ; you have got it wrong.

Q. No, it cannot be?

A. I do not recollect it.

Q. Do not you recollect anything being said that that was not to be mentioned – no reason given for it?

A. No, I do not recollect saying that this morning.

Q. Well, I have noted that?

A. You must have misunderstood me or made a mistake.

Q. Now, between the first interview and the second interview did he mention that he had seen any members of the Government?

A. No, he did not. Another thing I may say is, that when he says he spoke with indignation with reference to me, it is totally false. He was speaking to me just as one old acquaintance might speak to another. It is entirely untrue, this bombast about indignation.

Q. I was not asking you about that?

A. Well, I wanted to say this as I called it to mind.

Q. Was nothing said between the first and second interview about seeing members of the Government?

A. No, but in the second interview, according to my recollection, he said he had got it all right; or that it was all right—that is the Elgin shrievalty.

Q. Between the first and second interview?

A. No, in the second interview he told me that in the interval it had been made all right.

Q. But he didn't tell you how it had been made all right?

A. No. I received a letter explaining how, but as it was anonymous——

Q. From whom was it?

A. It was anonymous.

Q. And the letter you received asking you to go and see——?

A. That is McKim's case; the letter was from Wilkinson.

Q. Have you it?

A. No, I destroyed it: I tore it up. McKim saw it.

Q. I didn't ask you as to that?

A. The only recollection I have is that I tore it up in his presence after showing it to him.

Q. It was then and there destroyed, that is your recollection?

A. Yes, McKim had told me the contents—asking him to come and see me. I was speaking of another letter.

Q. I was not asking you about that. Did you in pursuance of that letter do anything?

A. The letter I received from McKim from Wilkinson?

Q. Yes?

A. I told him to tell Wilkinson that I would call at his room on my way from the Assembly and I did so.

Q. And then?

A. McKim and Lyon came in, and they tried to get a written guarantee.

Q. Then, when you came to Wilkinson's room you found Wilkinson alone there?

A. Yes.

Q. How long after that was it before Lyon and McKim came in?

A. Very shortly after.

Q. Had you discussed with Wilkinson as to what he wanted you there for?

A. I found fault with him and said that he should not have brought me. I told him I didn't want to be brought into that.

Q. Do you recollect how long after the 7th or 8th that was?

A. He said he hadn't done so; that it was at their urgent request.

Q. I am not asking you that?

A. Well, I thought of it and I think it is important to be answered.

Q. Well, I do not think it is. How long after the 7th or 8th was it that you saw him?

A. When I saw whom?

Q. That you saw Wilkinson at the hotel with McKim and Lyon?

A. Just about a month after; it was on the 7th or 8th of March, probably the 9th.

Q. Had you called at the hotel to see Mr. Cascaden before you did see him? He states that he was informed by the head clerk of the hotel that you called to see him?

A. I enquired if he was there on one occasion before I saw him.

Q. Do you recollect how long before you saw him that was?

A. I think it was on the Saturday night before I saw him. I happened to be down in the city and at the Rossin House, and I thought I might come across him. I called at the hotel and I think they said he had gone home.

Q. So that was correct that the head clerk had mentioned this to him?

A. Yes.

Q. I think your clerk is here with the book?

A. No, he is not in the city; I sent him out to subpœna witnesses, and I had a telegram from him saying he was on his way.

Q. You could not get the book yourself?

A. No, not without him.

Q. I should like to get the book before the examination is closed?

A. I will be here, and you can call me again if my counsel says so.

By Mr. McMichael.—Q. My learned friend keeps putting that in the shape of an offer. When you told him that the party would provide for him, was that in answer to a question from him?

A. Yes, it was an answer to an inquiry from him—that I had no doubt the party would do something for him.

Q. Did you in any way speak it or utter it so that he might take it as a promise?

A. No, not in the slightest, and I am perfectly satisfied he did not. I am satisfied he was thoroughly honest at the time, and therefore he told me he meant in that way that the conversation was confidential.

Q. It was not taken by him as a promise, but merely as an expression of opinion?

A. Not at all as a promise, I am sure of that. I would not think of making any kind of offer improperly to him or any person else.

Q. Well, in a general statement, you declare your innocence of these charges made against you?

A. As far as I have stated. If it is wrong for me to draw an agreement, I admit I drew it. If it is wrong for me to say to Cascaden that I thought the party might do so and so I admit I said it. In every other sense I declare them untrue.

Q. Wilkinson was giving you evidence respecting the Algoma election?

A. Yes.

Q. Had he been giving you that lately, during that time, or formerly?

A. Just about that time—shortly before that or about that time.

Q. Giving you that information?

A. Yes, he had given all the particulars. I remember I drew up a very lengthy affidavit on the motion which was made in that case.

Mr. McMichael.—If your Lordships intend to adjourn, I would ask that you adjourn now as we are waiting for witnesses, and we think they will be here about 1.30 or 2 o'clock.

The Chairman.—You have no witnesses here?

Mr. McMichael.—No. We were taken a little by surprise, but we worked all day Saturday, and we expect these witnesses this afternoon.

At 12.45 the Commission adjourned till 2 o'clock.

The Commission resumed at 2 o'clock.

Duncan Sinclair, called by Mr. McMichael, and sworn:—

Q. Where do you live?

A. In Iona, West Elgin.

Q. How long have you lived there?

A. About 36 years.

Q. Are you much mixed up in politics?

A. Not a great deal.

Q. What is your side?

A. I am a Reformer.

Q. You know Dr. Cascaden?

A. I do.

Q. What is his reputation for veracity in that county?

A. It is not considered good by a great many: some think he is all right, I suppose.

Q. It is not generally considered very good?

A. No, not generally.

Q. From what you have heard of him and his reputation, would you believe him on his oath?

A. I would not.

By Mr. BLAKE.—Were you ever friends with Dr. Cascaden?

A. Yes.

Q. When did you first know him?

A. Well, I think I have known him for something over twenty years, perhaps more, I really forget.

Q. During the larger portion of this time what was your employment?

A. Well, I taught school for two years, and for the last thirteen I have been in the mercantile business in Iona. I was raised in the village.

Q. Had you any connection with Dr. Cascaden in any matters until recently?

A. I have sold him goods and met him as I did other folks.

Q. Anything more than that?

A. I do not know exactly what you mean.

Q. In any way?

A. I have done business with him back and forth.

Q. Had you any further connection with him than simply selling goods?

A. Nothing further that I am aware of.

Q. That is your answer on oath?

A. I do not really understand what you are trying to get at.

Q. You do not understand when I ask you whether there was any other matter of a business character between you and Dr. Cascaden except selling him goods?

A. Well, we have done lots of business in different lines, but they are all matters of business.

Q. Then I am misinformed when I am told you were his election agent in 1879?

A. Certainly, I was; I didn't know what you meant.

Q. And you were his financial agent?

A. Yes, twice, 1879 and 1883.

Q. You accepted the office willingly in those years?

A. I was appointed and acted.

Q. Willingly?

A. Yes.

Q. When was it then you first learned anything against the character of Dr Cascaden?

A. Well, there were always reports, so far as that goes, ever since I have known him. The first I know personally of myself was about a year ago, when I considered he did a very bad thing. Until then it was mere report, and I didn't say anything about it.

Q. You didn't believe it?

A. I didn't go back on him on account of hearsay.

Q. You didn't believe it—you didn't go back on him until about a year ago?

A. No, I did not.

Q. If you had believed them you would not have accepted the office of financial agent in 1883?

A. Of course it was more or less politics, and we took it for granted a good deal.

Q. Took what for granted?

A. These reports. Of course it was not my affair, and I had nothing to do with it.

Q. But something happened a year ago?

A. Yes.

Q. Which made you alter your mind?

A. Yes.

Q. And you did alter your mind?

A. Yes.

Q. Now, what was it happened about a year ago?

A. Cascaden told me one story, and went into court and swore a completely opposite story; that is what changed me.

Q. Were you personally interested in the matter?

A. Not particularly. I was there as a witness.

Q. You were not at all interested?

A. The party he had the suit with owed me.

Q. Then why do you answer that you were not particularly interested when you were interested, because the person in the suit owed you money?

A. The suit made no particular difference.

Q. Yes, because you might get the money?

A. Well, I might have got the money outside of that.

Q. But you have not got it?

A. Some of it. I didn't get it all.

Q. Who was the person he had the suit with?

A. His name was Hatton.

Q. Had you anything to do with him?

A. I sold him goods.

By Mr. Commissioner SENKLER.—Was he the plaintiff or the defendant?

A. He was the plaintiff.

By Mr. BLAKE —Hatton owed you for goods, and you wanted them paid for.

A. I didn't ask for it, but Hatton came and gave me an order on Dr. Cascaden for $60, which I accepted.

Q. What was the amount of your account?

A. Something over $90.

Q. Was there anything wrong between you and Dr. Cascaden up to that time?

A. Nothing special—nothing wrong until he went into court and swore that.

Q. You had no reason to disbelieve him up to that time?

A. Not personally.

Q. Now, I want to get from that time onward what you blame him for. Did you present the order to him?

A. Yes.

Q. And what was the result?

A. He said he didn't wish to sign it at the present time, because the man was liable to leave. He said I would be paid, and I said it would be all right.

Q. Who was liable to leave?

A. Hatton, his hired man.

Q. And therefore he refused to sign it?

A. Well, he didn't refuse, but he would not sign it; he said it would be all right.

Q. You presented it to get his signature?

A. Yes.

Q. And he didn't sign it?

A. No.

Q. And you don't call that a refusal?

A. Well, he didn't sign it. He promised to pay it afterwards, and I took his word for it.

Q. But I am speaking of the acceptance of the bill; he would not do that?

A. Well, he didn't do that, but I considered it perfectly satisfactory. I did not press it.

Q. I am not asking whether you did or not. Did you ask him the second time to accept it?

A. I was up with the hired man—

Q. Did you ask him a second time to accept it?

A. I don't know that I did. The Doctor said it would be all right, and I said it was all right so far as he was concerned.

Q. Refusing to accept that; did Hatton sue the Doctor?

A. Yes.

Q. You retained the order?

A. Yes.

Q. And you were to be paid to that extent by the Doctor?

A. Yes, if he had accepted.

Q. And the case came into court?

A. Yes.

Q. Who were examined?

A. The Doctor and Hatton and myself. I don't know whether there were any others or not.

Q. Was it tried before a jury, or by a judge?

A. Before a jury.

Q. What was the result of the finding?

A. Hatton received his pay.

Q. How much did they give him a verdict for?

A. $78 I think. I never inquired but I think it was that.

Q. Out of $109 which was being sued for?

A. I don't know what was sued for. I never saw his bill of charges.

Q. You knew it was reduced at all events?

A. Yes, there was some lost time, some wood and a doctor's bill.

Q. And some paid on account, the Doctor tells me?

A. I don't know how it was cut down, but there were some contra charges.

Q. Do you recollect how much more than a hundred dollars it was?

A. I don't know; the Doctor told me he owed Hatton about a hundred dollars?

Q. It was cut down then at this trial to this sum of $78?

A. Yes, he lost some time, and there was a doctor's bill against him, and some wood furnished, and so on.

Q. What time elapsed between the time of the request to give you the order and the time Hatton sued for his account?

A. Well, I think likely it would be some place inside of two weeks.

Q. Do you recollect its being said that Hatton had not completed the term with the Doctor?

A. That was argued in Court.

Q. At the time the order was given?

A. No; the Doctor spoke about Hatton being likely to quit, and he wanted a certain piece of work done and then he would let him go.

Q. Was the work done?

A. The inference I drew was that the Doctor was going to stop him as soon as he got this particular field ploughed, as it was a busy season of the year and he could not get another man. That was my inference.

By the CHAIRMAN.—Was Hatton a workman employed by the Doctor?

A. Yes.

Mr. BLAKE.—So at this trial the account was cut down, but you cannot say how much or how little, but they gave him $78?

A. Yes, they took off the lost time and some other items.

Q. Now, what was it in that suit that the Doctor said which you thought was wrong?

A. This is one ground I take. When I heard Cascaden say what he did in court, I told the Judge presiding that after what Cascaden had sworn to I would not believe him on oath.

Q. What was it he swore?

A. He told me that Hatton was everything that was bad, but in court he represented him as one of the best men he ever had. and denied telling me all these other things; I claim that he swore to what he knew was false.

Q. How did the question of Hatton's being a good man come up in court?

A. I cannot say, but I suppose because the doctor wanted to show that he suffered great loss by Hatton's leaving.

Q. That is what you think?

A. I really don't know, but that is quite possible

Q. And you are building your castle on this possibility?

A. I do not wish to build a castle at all.

Q. But you are building it because it is from that you draw the inference?

A. I could not see how he could tell me one story and swear to another unless that was the object.

Q. Was there anything else connected with the trial except what you mention, which caused you to alter your opinion as to the doctor?

A. No, it was what he swore to.

Q. Do you recollect distinctly in words what he said to you about Hatton before the trial?

A. He said the second time I was up, that Hatton wanted to get away; the doctor and I were talking about it, and he said Hatton had been robbing him, that he was not earning anything, and he could not get anything out of him—he could not get him to earn his wages at all.

Q. He said that when you went to see him about the order ; and when he came to court ?

A. He swore he was as good a man as he ever had in his employment, and that he suffered a great deal by his loss.

Q. And what else ? You know he had employed you as financial agent, and perhaps he had been unfortunate in the men he had employed ?

A. That is about what he said, running the man down all he could.

Q. Who was the judge ?

A. Judge Hughes.

Q. But notwithstanding all that, the Judge cut down the claim of Hatton, or the jury cut down his claim which was over $100 ?

A. I really don't know.

Q. It was a sum exceeding $78 at all events ?

A. Yes.

Q. And notwithstanding these statements the jury believed Dr. Cascaden, and reduced the account to $78 ?

A. Well, it was reduced on account of the loss of time, etc.

Q. Hatton was claiming it should not be reduced ?

A. Yes.

Q. What were you examined upon ? How did you manage to get in your oath ?

A. I was called as a witness.

Q. Who called you ?

A. Mr. Hatton's lawyer.

Q. What did he ask you ?

A. He asked me just about the same as you are asking me, everything he could think of.

Q. About whether you would believe Dr. Cascaden ?

A. No, I made that statement myself ; I told the Judge that after what Cascaden had swore to, I would not believe him.

Q. And notwithstanding your opinion the jury found in favour of Cascaden ?

A. They could not but reduce the lost time. It was a point of law whether he should lose the time or not.

Q. Well, what came of this claim ; do you know if Hatton recovered against Cascaden ?

A. I suppose he got it.

Q. Was it not garnisheed by somebody ?

A. Part of it was.

Q. By whom ?

A. By Mr. Macdonald.

Q. And you were anxious to get a transfer of the claim, so that this money would have gone to you instead of Macdonald?

A. No, I never knew that he owed Macdonald a cent. Had I been anxious at all I could have secured my order, but I was willing to test Cascaden $60 worth, and I did and found him very much wanting. I did not press the claim, I did not insist on the signature. I took his word, and went to the office and told a party.

Q. Never mind, that would not be evidence. At all events this was garnisheed, and it went into the hands of Macdonald instead of your hands?

A. Yes, Macdonald got his claim.

Q And you didn't get yours?

A. Not through the court.

Q. And have not been paid in full yet?

A. No.

Q. Well, this was a twenty years' friendship between yourself and Cascaden?

A. Yes.

Q. And since this litigation I believe your families don't have any intercourse?

A. No, none.

Q. The doors are closed against the Cascaden family?

A. I haven't called on him and he hasn't on me, and I don't want him. He called on me several times, and I wish he had not.

Q. You are no longer bosom friends, though you were for eighteen or nineteen years?

A. When a man will perjure himself I do not want any more to do with him.

Q. That is the state of feeling between you?

A. Yes.

Q. Were you subpœnaed here?

A. Yes.

Q. When?

A. Saturday evening.

Q. Who subpœnaed you?

A. Mr. Meek; it was sent to me.

Q. By what means?

A. Well, I got notice through the mails that I would be wanted.

Q. Have you the subpœna?

A. Yes.

Q. Were you paid the fees?

A. Yes.

Q. How much?

A. $11.10.

Q. On Saturday?

A. No, not till to-day.

Q. You came on the promise that you would be paid?

A. I presumed that I would be paid the same as other witnesses.

Q. Were you promised?

A. No.

Q. Do you usually attend as a witness without getting your fees; have you done so?

A. Yes.

Q. When?

A. I attended for Dr. Cascaden in St. Thomas; he offered me the fees, and I would not accept them.

Q. Any other case?

A. I do not know whether I got any fees in the last case I had with the doctor; I expected to get them, but have not yet.

Q. So you are a willing witness; you are not a standing witness in West Elgin, are you?

A. I would rather have stayed at home.

Q. And still you come without fees or subpœna?

A. Yes.

By Mr. McMichael.—Q. If I understand you, the effect of the character you heard of Dr. Cascaden was that you had doubts of his veracity?

A. Yes, I heard lots about him, and was told that he would bite me some day.

Q. Did you disbelieve it, or did you merely leave it open?

A. I didn't pay much attention, but when I found out something personal I believed the reports.

Q. You believed then that was his reputation?

A. Yes.

Q. And on that you would not believe him on oath?

A. Yes, where he is interested.

Q. You were a witness for him at one time?

A. Yes.

Q. For about a week?

A. Yes, I think it took about a week.

Q. That was where the jury found something against him?

A. Yes; it was in St. Thomas.

Mr. Blake.—I submit that is not evidence.

Mr. McMichael.—I think such evidence might be offered here, and that some latitude should be allowed in such a matter.

Q. That was a case in which his character was considered blackened?

The Chairman.—I do not think that is evidence.

Mr. McMichael.—I did not begin this subject; my learned friend introduced it.

The Chairman.—If you ask about the expenses being paid that is all right, but when you want to bring out anything with regard to this particular case, I do not think that is evidence.

Mr. McMichael.—I think the rule is when the cross-examining counsel chooses to bring out such particulars, I am entitled to cross-examine on them.

The Chairman.—He has not brought out anything about this trial?

Mr. McMichael.—The fact of the trial.

The Chairman.—He has brought out about being paid expenses, and I do not think you can go further.

Mr. McMichael.—I think I should ask him the result. The result is well known; it is notorious in that country.

The Chairman.—You examined quite accurately in the examination in chief as to his reputation, and whether he would believe him on oath.

Mr. McMichael.—And in my re-examination I can take up any questions raised in the cross-examination.

Q. Your complaint against Cascaden was not because he broke any promise about the hundred dollars?

A. No, I was willing to test him; I supposed I could get my money; I was told I could prosecute the order; I wanted to know what the man was made out of.

Q. Now, with regard to the finding of the jury; here is one trial gone into and I do not see why the other should not. In that trial the defence of the Doctor, as I understand, was that the man had left his employment, and he endeavoured to exaggerate the damages because of the man's leaving?

A. Yes.

Q. Are you aware or can you say whether that exaggeration of the damages had any effect in the verdict, or was it simply for the lost time?

A. So far as I learned the reduction was for the lost time. It was a point of law whether he was working by the month or by the week, and the jury found in one particular way. He had a wood bill, a doctor's bill, and a strawberry bill.

Q. Who called you as a witness?

A. Hatton's lawyer called me.

Q. What was the special statement which the doctor made which you said was untrue?

A. He spoke very disparagingly of Hatton, called him very hard names as a hired man, and in court he swore that he was as good a man as he ever had on his place.

Q. Was any reference made to his statement to you with regard to Hatton's character?

A. He denied having said this in court.

Q. And you stated that he had said so?

A. Yes.

Q. And he denied it?

A. Yes.

Q. Then you swore that you would not believe him on oath on that account?

A. Yes.

Q. Had this matter of money anything to do between you and him?

A. No, not particularly; I consider Hatton as good pay as he is.

Q. What your trouble was, was that he had so deliberately——

A. Sworn a lie.

Q. At the time.

A. Yes.

Q. And on that account you believed what you had heard before?

A Yes.

Mr. Blake.—You have not given us that name yet.

Mr. McMichael.—No, I have not.

Mr. Blake.—Then I object.

Mr. McMichael.—I never was tied down in that way as to the calling of witnesses.

The Chairman.—If you had been here at the opening of the Commission, you would have learned the rule that we laid down as to the names of witnesses being given. If you choose to give the name now we will examine him on Saturday.

Mr. McMichael.—I may mention the circumstances to your Lordships. We found him in Toronto to-day, and knowing that he understood the man's character, we at once subpœnaed him. As I understand the reason why these questions are made general ones, it is because he may not be ready in any particular thing, though he may be ready to sustain his general character.

The Chairman.—But the other side must know the particulars with regard to the witness—it is one of the cases where the name should be mentioned.

Mr. McMichael.—As I understand, the rule is that where a man is establishing his case on a defence——

The Chairman.—This is not a criminal trial. If you choose to give in his name now, you can examine him on Wednesday or on Saturday. We expect to sit to-day, to-morrow, Wednesday and Saturday.

Mr. McMichael.—I tender the evidence now.

The Chairman.—Then if the other side object on the ground that it is contrary to our rule, we must, I think, enforce our rule.

Mr. McMichael.—Is there to be examination of witnesses to-morrow?

The Chairman.—Yes.

Mr. McMichael.—Because we are sending for these men by telegraph. We sent a subpœna on Saturday as soon as we could, but we have not any of them here except one.

The Chairman.—Can you examine him.

Mr. McMichael.—Yes.

The Chairman.—Is he on the list.

Mr. McMichael.—I think so.

William Bell, called by Mr. McMichael, and sworn.

Q. You belong to——

A. Guelph.

Q. Do you know Mr. McKim?

A. Yes.

Q. How long have you known him?

A. I suppose 13 or 14 years.

Q. Do you know anything about his character for veracity in the neighborhood of the county where he lives?

A. I have heard a good many rather unflattering reports of him.

Q. You haven't heard very good reports?

The Chairman.—He said he had heard a good many rather unflattering reports.

Mr. Blake.—When Mr. Goldie was examined, your Lordships ruled that the opinion of a person residing in Guelph as to a person residing 30 miles further didn't come within the rule, and the evidence was rejected. I take the same objection in this case—that Mr. McKim lives at Parker, 30 miles from Guelph.

The Chairman.—The person should speak as to his reputation in his neighborhood, I suppose.

Q. Mr. McKim is member for one part of the county?

A. Yes.

Q. What part is that?

A. West Wellington.

Q. Is Guelph in West Wellington?

A. No, South Wellington.

The Chairman.—Mr. Goldie stated that he did not know his reputation for veracity in his own neighborhood. If the witness can swear that he knows his reputation for veracity in the neighborhood where Mr. McKim lives, I suppose it might be evidence, though not so forcible as if he lived there himself.

Mr. Blake.—If you send a person for the purpose of acquiring information as to a man's reputation in a neighborhood, it is ruled out.

The Chairman.—But that is not this case. This man has known him 13 or 14 years; he is asked what his reputation is.

Mr. Blake.—I mentioned that to show that the rule must be limited, and that it is not sufficient to say, "Do you know his reputation in the neighborhood?" The rule must be qualified and cannot be laid down as broadly as that.

The Chairman.—I think if the witness lives at a distance his evidence would be of much less value, but I do not think it should be excluded.

Mr. Blake.—I do not think it would be admissible under the rules.

The Chairman.—We will take it subject to the objection.

Q. He is known very well in Guelph?
A. Yes.

Q. He has business there?
A. I suppose he has done business there.

Q. I ask you what you know about his reputation—if you know about it first of all in the county, and also in his neighbourhood?
A. I know nothing personally.

The Chairman.—I think the inquiry should be confined to his own neighbourhood.

Mr. McMichael.—If a man is in business and is known generally elsewhere, I think he has a reputation elsewhere.

The Chairman.—No, I think not.

Q. Do you know anything about his reputation in the neighbourhood?

Mr. Blake.—That is the neighbourhood of Parker?

The Witness.—Of course I live in Guelph, but I am in the habit of hearing it there; he is almost as well known in Guelph as in his own riding.

Q. Do you mean you hear it from persons in the riding?
A. Yes.

Q. And in the neighbourhood?
A. The reports I hear are mostly heard in Guelph.

Q. From his conduct there?
A. Not from his conduct there, I do not think—just his general reputation.

By Mr. Blake.—Well, that is not the neighbourhood in which he lives?
A. No.

The Chairman.—I think the question must be limited in that way.

Mr. McMichael.—I have seen the question put over and over again in this way, on the ground that a man's reputation extends outside his own neighbourhood.

The Chairman.—Still, I think if we were asking about your reputation, we would not ask it in Ottawa.

Mr. McMichael.—Still, I think it might be found in Ottawa, though not to the same extent. I do not suppose I am characterless even there.

Q. You spoke of hearing it in Guelph mostly; I ask you from what people was it—people in Guelph or over the riding?
A. People living in Guelph.

Q. What is the character he has in Guelph; how do the people there know him?
A. Well, he is a very energetic man, especially in politics, and he has made himself well known outside of that county even.

Q. Is he well known in Guelph?
A. Yes.

Q. The people know about him?
A. Yes.

Q. There is where you heard his character?
A. Yes.

Q. Now, does that include persons from Parker?
A. I am not often in that neighbourhood. I would be inclined to confine it entirely to the neighbourhood of Guelph.

Q. Where he is well known?
A. Oh yes, he is well known in Guelph.

Q. The people have an opportunity of knowing about him?
A. Yes.

Mr. McMichael.—Well, I propose now to ask what his reputation is in Guelph under those circumstances.

Mr. Blake.—There is no precedent for that I submit.

Mr. McMichael.—Where a man's character is known and where there are opportunities of judging him.

The Chairman.—The books, I think, lay it down as his character or reputation in his neighbourhood.

Mr. McMichael.—That means people who have the opportunity of knowing him.

The Chairman.—You have the opportunity of calling witnesses in his own neighbourhood.

Mr. McMichael.—We have, but when this one is here we are anxious to do all we can to get on. The question I want to ask is from what he knows—having given us the facts—would he believe him on oath.

The Chairman.—I think that questions of that kind involving reputation should be confined within the strict rules of evidence, and I have never seen the rule laid down so expansively as you now wish to apply it. It has always been what his reputation is in his own neighbourhood.

Mr. McMichael.—Then comes the question of what is his neighbourhood, and it may be a county. If a whole county know about him, then he has a reputation in the whole county. Of course I would not ask him what his reputation is in Cornwall, but in the County of Wellington.

The Chairman.—I think that is too wide.

Mr. McMichael.—I tender the question.

Samuel Price, called by Mr. McMichael, and sworn.

Q. Where do you live?

A. At Port Stanley.

Q. Do you know Dr. Cascaden?

A. I do, sir.

Q. How long have you known him?

A. I think from fifteen to twenty-five years; I have known him a long time.

Q. Do you know anything about his reputation?

A. I do.

Q. How long have you been acquainted with that?

A. I should think eight or ten years, if not more.

Q. Do you know anything about his reputation for veracity?

A. I do; I have my opinion of these matters.

Q. My question is, first, do you know anything of his general reputation for veracity?

A. To the best of my knowledge and belief, so far as I am capable of judging, what his general reputation is?

Q. From his general reputation for veracity, would you believe him on oath?

A. I should hesitate to believe him on any matter in which he has an interest, unless his evidence were confirmed by somebody else.

By Mr. Blake.—Q. Did you ever oppose him in a political contest, Mr. Price?

A. No, I did not. Personally, I never opposed him. I may have aided and assisted the candidate in opposition to him on one occasion, Mr. Kirkpatrick.

Q. Are you a Reformer?

A. No, sir, and you are well aware I am not.

Q. Why do you say that, for really I do not know whether you are or not?

A. Well, Mr. Blake, I think you do; I am very well known to members of your family.

Q. Will you believe me when I say that to my knowledge I have never seen you before, and that your reputation has not come down to Toronto, so far as I know?

A. That may be, so far as you know, but I believe I could get persons in Toronto to testify to my reputation.

Q. You are not a Reformer, then?

A. I am not.

Q. You are a member of the Conservative party, then?

A. I have been a Conservative all my life, a consistent Conservative.

Q. And, therefore, you stand alone as a Conservative?

A. That may be a question of opinion. You and I would not be likely to agree on that.

Q. Well, you have run for one or other of the Ridings, Mr. Price?

A. I have.

Q. How often did you run?

A. Three times for two Ridings. I should state here, and I believe I am in order in stating, that I never brought myself forward or personally solicited the nomination; I was placed in the position by my friends.

Q. Your friends kindly placed you in the breach?

A. In the breach, as you desire.

Q. And you did not exactly run away, but you were defeated?

A. I was, as many other men are, by a small majority.

Q. Then, in none of these contests, did you run against Dr. Cascaden?

A. I. did not.

Q. Although you have taken a hand against his election at times?

A. No, sir, I have retired of late years, and have not taken any prominent part in political matters out of my own village. Prior to that, I had been in the habit of doing it.

Q. Your village is Port Stanley?

A. It is, sir.

Q. What distance is it from that to where Dr. Cascaden lives?

A. About thirteen miles.

Q. Have you known him personally for a considerable time?

A. Yes, I have known him from the time he taught school in Port Stanley. I believe it was then that I became acquainted with him.

Q. Were you a trustee of the board?

A. No, I think no

Q. Had you anything to do with him?

A. I had, sir, and if you desire I will state the occasion on which I had to do with him in a business transaction. I may state that it arose from the fact that I am an official assignee of the county, and that brought me into contact with Dr. Cascaden.

Q. Have you been in the witness-box before?

A. I have, sir.

Q. Now, have you known Mr. Meek any considerable time?

A. Yes, I have known Mr. Meek for many years, I may say from his infancy.

Q. Did you know him when he was a good Reformer?

A. No, of late I have known Mr. Meek very little from the time he studied law. From the time he went into a law office in London, I have seen very little of Mr. Meek, and whether he was a Reformer then or not, I do not know.

Q. And the most you would say with regard to Dr. Cascaden is that you would have a difficulty or some doubt about believing him if it was a matter in which he was interested, unless his statement was corroborated by somebody else?

A. I should strongly doubt his statement under such circumstances.

Q. If he was interested in it?

A. Yes.

Q. But you would not like to go further than that?

A. I have only to speak of the man's general reputation. If he had no interest in telling a falshood, he might speak the truth.

Q. And therefore you would not put it more strongly.

A. I would not put it that in every instance Dr. Cascaden would tell what was false. There are some men notoriously untruthful and wanting in veracity, who probably, when they have no special object to gain, will tell the truth occasionally—accidentally, if you may so express it.

Q. But you will draw the line, and you would not say that he would tell an untruth simply for his amusement?

A. Oh, I would hesitate to say that.

Q. You draw the line there?

A. I should hesitate almost to inform you where I would draw the line.

Q. You haven't made up your mind upon that exactly?

A. Yes, to say where I would draw the line.

Q. Have you seen Mr. Meek lately?

A. I saw him since I have been in the city.

Q. Did you come down here on a subpœna, or did you happen to be in the city?

A. I am subpœnaed here.

Q. When did you receive your subpœna?

A. I received my subpœna to-day.

Q. You did not come down on the subpœna, then?

A. I was not served with the subpœna before I left home, but I was requested to come, and was told that the subpœna fees would be paid.

Q. And you received the subpœna and got your fees?

A. Got my fees.

Q. Who was it asked you to come down?

A. I received a telegram from Mr. Meek, and one from Mr. Charles Ermatinger, a member of the Ontario House for one of the Elgins; I received these telegrams on Saturday.

Q. And as a good Conservative you were bound to obey the telegram of the member for your county?

A. I would not put it in that way, Mr. Blake. I think it was wrong for you to say I was bound to obey, for I hold myself not bound to obey any man under those circumstances. It was a matter optional with myself whether I would come or not.

Q. And you exercised the option?

A. I chose to come.

Q. Have you been acquainted with any other member of Mr. Meek's family other than Mr. Meek himself?

A. I have been acquainted with the family of Mr. Meek. I have been acquainted with his father for a period of nearly fifty years, and during that time I defy any man to lay his finger on a stain on his character.

Mr. Blake.—Well, I won't accept the challenge.

By Mr. McMichael.—Q. You were asked whether the subpoena was served on you before you came, did you know for what purpose you were asked to come?

A. I knew I was asked to come for the purpose of giving evidence before this Honourable Commission.

Q. Did you know that Mr. Meek was here charged with the crime of conspiracy?

A. I did Sir, because I have read the proceedings.

Q And you knew he asked for evidence in his defence?

A. Yes, and if I ever felt bound to obey anything, I would feel bound to exonerate any man from charges if there was any reason to believe them not true, if it was in my power.

The Commission adjourned at 3.15 p.m. until Tuesday morning at ten o'clock.

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Tuesday, October 7th, 1884.

The Commission met at ten a.m.

Mr. McCarthy.—The matter upon which I understand your Lordships desire argument is the charge preferred by Mr. Meredith against the members of the Administration, as to which, evidence was heard during the past week. I appear this morning to state the grounds upon which I propose to contend that that charge has been substantially proved. It is not necessary, I presume, at this stage to inquire into the nature of the charge, to discuss the legal bearings of it in any sense, to show that it is a crime in law, that it embraces facts or statements of facts which constitute a crime, or that it is morally wrong to do what is charged here. All that, I take it, is unnecessary, because your Lordships, no doubt, before admitting evidence and taking up the time in hearing it, have considered that point, and have acceded to the legal premise which is involved in the consideration of the question, namely, that if this statement is made out as a matter of fact, as a matter of law it involves these gentlemen in the commission of a crime, or in a conspiracy to do an unlawful act.

The CHAIRMAN.—I think you are labouring under a mistake there. I do not think we came to any such conclusion; but we considered it within the lines of our duty not to exclude the evidence which was urged so pressingly by Mr. Meredith, reserving to ourselves the right to decide whether it was a charge of any value or not. My own impression is that it is a matter more of ethics than of law.

Mr. MCCARTHY.—Does your Lordship mean to say that we have been sitting here taking evidence of charges which are of no consequence even if proved?

The CHAIRMAN.—It was to a great extent for the purpose of gratifying the members who are opposed to the proceedings of the Government in this matter.

Mr. MCCARTHY.—Then I may have to discuss at another stage, the legal aspect of the matter; I had hoped to save your Lordships the discussion of that point.

The CHAIRMAN.—We admitted a great deal which I think was not evidence at all, merely to prevent any complaint that we had excluded evidence.

Mr. MCCARTHY.—That can hardly be said regarding this charge, and I do not propose to discuss anything else; the evidence has come with the exception of that of one witness, from the lips of the accused themselves; it can hardly be said that your Lordships granted any indulgence; I do not think the accused can say that they have been unfairly dealt with; they were put in the witness box and were given the opportunity of telling their own story and, were I inclined to be at all censorious, I might be disposed to say that the leaning was the other way; but I do not think it is quite right to say that you have admitted anything that was not evidence simply for the purpose of gratifying Mr. Meredith and his colleagues in support of that charge; now, what is the charge as a matter of fact? The charge is, "that members of the Government, Messrs. Fraser, Pardee, Hardy and Mowat, knowing that attempts were being made to corrupt members of the House, induced members of the House to approach persons who were said to have been engaged in this work, for the purpose of inducing them to make corrupt offers and to endeavour to entrap others not engaged in the matter into the same criminal acts" Now, the charge may be divided into several distinct heads of matters of fact—"that members of the Government (naming them) knowing that attempts were being made to corrupt members of the House" —I suppose it will not be disputed, taking the statements of all these gentlemen from beginning to end, that that fact has been established to the satisfaction of the Commission. Then it says further: "induced members of the House to approach persons who were said to have been engaged in this work, for the purpose of inducing them to make corrupt offers, and to endeavour to entrap others." Now, that is the important charge which I suppose is to be considered; and let me briefly recapitulate the history of the transaction as related by Mr. Pardee, and afterwards by Mr. Fraser, and to some extent by Mr. Hardy. I do not know to what extent they disagree as to this—that in the early part of the session Mr. McKim informed them, or one of them that he had been approached by Mr. Wilkinson, that he had been offered by Mr. Wilkinson a certain office in the North-West Territory and the promise of a certain sum of money, first stated at from $300 to $500, if he would change his position in the House, which was that of a Government supporter, and become an opponent of the Administration. It is not denied that upon this information being confided to these gentlemen, they did not do, as perhaps a high sense of honour would have dictated their doing—that they did not do what perhaps a high sense of the dignity of the Assembly of which they were the leaders ought to have made them do; that is, to have at once endeavoured to repel and stop the attempt which was being made upon the honour of one of the members of that Assembly. But on the contrary they admit, and they state that they took means and adopted measures to carry on these negotiations through Mr. Mckim, who from that time forth became their agent or their confederate—terms which in this sense are identical and equivalent. They adopted him as their confederate, and the only possible dispute as to matter of fact is to what extent they were cognizant of Mr. McKim's acts. Now, what were Mr. McKim's acts? Mr. McKim went again, and from time to time—I do not know how often—to see Mr. Wilkinson; he gave Mr. Wilkinson to understand that he was willing to sell himself; and it is evident, though I do not think it is said in so many words—so evident that your Lordships cannot disregard the conclusion that he must have been stipulating for a higher price, a larger sum than had been up to that time offered—that in point of fact, all the difference between him, as he represented it himself, and Mr. Wilkinson who was endeavouring to bribe him, was that the offer of the bribe, the purchase money, was not sufficiently large. Not only so, it is quite clear from the evidence of Mr. McKim himself, that he went much further than that—that he actually adopted or appeared to adopt the cause of Mr. Wilkinson—that he actually made himself the instrument of Mr. Wilkinson—that he aided and abetted Mr. Wilkinson in the attempt which it was represented that gentleman was making upon other members, or was about to make upon other members of the Assembly;—first, that he suggested the names of the other three, Mr. Dowling, Mr. Balfour and Mr. Lyon; that he was the man who suggested to Mr. Wilkinson that these were members who could be approached, who could be purchased: and he went further than that: that he was the means by which Wilkinson and these different members were brought together. Now, before I go further, it may be well, perhaps, to see whether my statement is borne out by the facts, or whether that statement is too broad. I desire to be as accurate as possible, and I will refer in detail to the evidence which I think warrants me in making this statement.

The CHAIRMAN.—You are going to refer to the evidence taken in the Police Court.

Mr. MCCARTHY.—Yes, my Lord, which I think your Lordships have not read yet; but I will mark the pages so that your Lordships may be able to refer to it. The first statement I will refer to is on page a28; that is the statement of his communication of the matter to Mr. Pardee, and so far as that goes, I do not know that it adds much, if anything, to what was deposed here by Mr. McKim himself, and was aftewards in substance confessed by Mr. Pardee and Mr. Fraser upon their examination.

Q. "It was to see what price could be agreed upon?

A. "Yes.

Q. "When was the first time any money was offered over and above and besides the offices?

A. "That was about the first time, that was the $500; that was in connection with the offices; that was the first money offer; when I understood that I got a definite offer I told Mr. Pardee. . . . . . .

Q. "I suppose he had not offered enough yet?

A. "Well, he had not, I suppose, offered enough."

Then the date is fixed at page a32.

"I can't give you the dates in either of those cases; it commenced shortly after the session opened.

Q. "What time was it he asked you to come to his room?

A. "That was the first time money was mentioned; it would not be more than a week after the session eommenced.

Q. "How long was it after that before you spoke to any of the members?

A. "Immediately after I got the offer, I believe the same day or same night; I went and told Mr. Pardee, and that they better be on their guard, for this thing was going on.

Q. "Having told that, you were detailed to go on with it?

A. "Not detailed.

Q. "You acted under instructions?

A. "Under instructions; I went on; he says, 'Go on, see how far they will go.'

Q. "Did you report proceedings?

A. "I did.

Q. "How often?

A. "Immediately after I got a good offer, a definite offer; as soon as I could see one of the members of the Government."

Page 64:—

Q. "At what time was this whole plot disclosed to the Government?

A. "They learned of it from time to time as it was going on, and I kept them fully posted; as fully as I could."

Going back to pages 59 and 60:—

Q. "As I understand it you were the medium, the go-between, for approaching Mr. Balfour and Dr. Dowling and Mr. Lyon; you were the man who approached all these men?

A. "I was the man, and I was the man that named them, at least that Wilkinson named them to me; I named them to the Government; I counted the cost; after being threatened and all that kind of thing, I made up my mind I would get what evidence I could; I named them to Mr. Pardee and Mr. Fraser. . . . . . .

Q. "You say you were the party who named these men, Dowling, and Balfour, and Lyon?

A. "Yes, I named them, I believe, to both Mr. Pardee and Mr. Fraser.

Q. "Had they at that time been to see Mr. Pardee and Mr. Fraser?

A. "I think not, not that I was aware of. . . . . . .

Q. "Were you the party who furnished the names of these gentlemen to Mr. Wilkinson?

A. "Mr. Wilkinson repeatedly asked me what members of the House he thought that I could influence, or that he could get others to influence; the style of talk was to get some other person outside wherever he could get them to influence a member if I named him.

Q. "He asked what members of your party are amenable to influence, and you gave him the names of these parties, Dowling, Balfour and Lyon?

A. "Yes."

He goes on to say that he asked about Balfour, Badgerow, and Laidlaw. He continues:—

Q. "What names did you mention?

A. "I do not remember that I mentioned any but those three that I have given you; at first he thought if I got three, two with myself, and then he thought that if I got four, and he put up his fingers, he had them, and all he had to do at one time was to bring them together; they were all there.

Q. "It was on your opinion that these men were selected as suitable men?

A. "I think so; he told me the grounds, that he could use this petition against Mr. Lyon and a petition against Dr. Dowling; he wanted Dr. Dowling's seat for a new man they were to take into the Cabinet, a Catholic, and it would suit them to get that constituency opened."

Going back to page 52:—

Q. "Did not you introduce them?

A. "Yes, he asked me to see them, and he asked me to bring them and introduce them. I did so.

Q. "And had you made conditions with everyone of them before you brought them to Wilkinson?

A. "No; I said to all these men they would have to make their own agreement with Wilkinson, and I said so to Mr. Wilkinson also."

Now, I think, my Lords, I have established from the evidence of McKim, who so far at all events as these ministers are concerned, must be accepted as a credible witness, whom Mr. Pardee vouches for, and whose statement he says he will not contradict, that Mr. McKim not only kept on a negotiation so far as his own vote and his own positition in the Assembly was concerned, but that he actually coalesced with and became the active instrument of Mr. Wilkinson for the purpose of seducing other members who were then supporting the Government in order to do what we now understand was all along to gain evidence, according to their statement, to bring home conviction to the men who were guilty of this offence. If that be true, does not that maintain the charge which Mr. Meredith has made? It cannot be doubted that there may be a right to entrap a criminal; but I venture to say—and I will give some authorities before I close in support of my statement—I venture to say that no legal work—and this question has been considered from time to time, and expressions have fallen from Judges on the subject—no legal work of repute will be found to justify any man or set of men going so far as to participate in crime for the purpose of fastening guilt upon an individual. Now, how is that supported by the ministers in their examination? It appears to me it is abundantly supported by one and all. In the first place, let us go back to the statements made at the time—statements made deliberately, advisedly, not in the heat of argument or discussion, but with the utmost premeditation; and first, the statement of Mr. Mowat himself. That statement, I understand, he endeavoured as a witness here to rather go back upon; but when he is being tried here—and he is on his trial here—it is not because, placed in that position, he endeavours to explain away and minify the effect of his statements, that his evidence is now to be accepted. On the contrary, I think I can urge with a good deal of force, if not with the force of a conclusive argument upon your Lordships, that the statement made by Mr. Mowat at that time ought to be accepted as much more likely to be true than statements made now, months afterwards, when he is meeting the accusation which is brought against him before a Commission constituted under his own advice. Now, what is his statement? In substance, that no act was done, that no step was taken by those members who had been approached, and who, your Lordships will recollect, it was pretended and solemnly asserted were indignant at the approaches made to them—that nothing was done without the advice and concurrence of members of the Administration:—

"Every approach made to them, every conversation which took place, every step in the negotiations, and every act that was done, was immediately disclosed to one or more members of the Government. Nothing was done without the knowledge of every member of the Government, or without the advice and sanction of one or more of us." Is that statement true? Was it true then? Can there be a doubt, when we look at all this evidence, when we hear from Mr. Pardee and Mr. Fraser that from day to day Mr. McKim reported progress, that from day to day those interviews took place—can there be a question that, both in fact and in law as a matter of legal inference, whatever was done by McKim was done by them, and in such a manner as to bind them both legally and morally? Now, it is a well known principle of law that when men combine together to effect a common purpose, when we prove that fact, when we establish that they are all banded together to carry out a common design, we can then give evidence of what A, B, C and D did without their being present, and possibly without their knowing it; and as a matter of common law and common sense they are bound by what their confederates do in carrying out that design. That is well laid down by the authorities; I need not cite them, for the principle is an elementary one. Once you bring about the proof of the confederacy or the combination to do a particular act, anything which is done afterwards by any one of those confederates to carry out that act is binding on the whole of them; and I can appeal to that principle to make all that McKim and others did binding on all the members of the Administration who joined them for that purpose. But I do not need to do that in this case; I do not need to appeal to technical rules, because we have this statement of Mr. Mowat—and how does he attempt to escape from it? He says, perhaps that is too broad—he says, "It was known to one or other of the members of the Administration, not to me personally;" and I accept the statement in that sense, if the Commission chooses to do so. Then we have Mr. Fraser making his deliberate statement on examination, which has been referred to here—stopping the examination of a witness, who was being pressed before the Committee of the House of Assembly as to the extent to which the Government had been cognizant of these doings, and had been instructing this member and egging on the next member in a way which I do not propose now to characterize in language fitting for it—when that was done, up jumps Mr. Fraser, and in indignant terms says, "You may save yourself this trouble; you need not bother these witnesses; I may shorten the investigation by saying that I was fully aware that negotiations were going on; I am prepared to accept the fullest responsibility for advising that measures should be taken to entrap these men; and I am prepared to defend that course at any time or in any place." I must say that he did not show any wish to defend that course the other day, when called to give evidence here. He rather appeared to desire to back out, to explain, to qualify to a very considerable extent the statement he there made; and I understood him to say to my learned friend, in parrot fashion, that he was not strictly correct—that he did not attempt to entrap. But when we look at the other evidence—not merely at what they say, but when we look at the admissions which have been forced from them, what do we find? Let me trouble your Lordships with some extracts. This is Mr. Hardy's:—

Q. "You are aware that Mr. Mowat stated to the House that whatever was done was done with the knowledge and approval of every member of the Government?

A. "I do not think he put it as broadly as that. I don't think he stated that what was done by Bunting or Wilkinson was done with the approval of the Government. That statement means generally by members of the Government. I apprehend that that statement is correct, or that he made something near it. . . . .

Q. "Are you aware that McKim submitted to Wilkinson the question of Balfour, Dowling and Lyon, as members of the House who were amenable to influence?

A. "I was not aware of that at that time.

Q. "You became aware of it later?

A. "I do not know that I did. If it has been stated in the evidence I probably knew of it.

Q. "Did you know before the disclosures that McKim submitted those names as amenable?

A. "I never knew that he had submitted them.

Q. "Was it suggested that he should?

A. "Not that I ever heard of—not in my presence.

Q. "Did you know that he did so?

A. "I have heard that Wilkinson sent for those men to be introduced to them, that McKim told them that Wilkinson had sent for them.

Q. "Did you know that it was McKim who introduced Balfour?

A. "I was told McKim took him there.

Q "Did you know at the time?

A. "I did not know the details at the time."

Then further down :—

Q. "Will you swear that you did not?

A. "I will not swear more than that I have no recollection of telling him more than what I have said on that point."

Then I come to Mr. Pardee :—

Q. "Did McKim say what answer he had made to the offer?

A. "I cannot recollect.

Q. "Did you ask him?

A. "No.

Q. "McKim did not say whether he had declared it, or was still negotiating it with Wilkinson?

A. "I gathered that he was letting the negotiations go on. . . .

Q. "When next did you hear anything about it?

A. "It went along from day to day for two weeks. McKim came to me from time to time and kept me informed about Wilkinson. . . .

Q. "And from day to day McKim appeared willing to sell himself, and Wilkinson went on increasing his offers?

A. "McKim gave me to understand that he would allow Wilkinson to go on as far as he would, but he never intended to accept the bribe.

Q. "Did you ask him what he had said to Wilkinson?

A. "Not so far as I recollect.

Q. "He was giving Wilkinson to understand that he was willing to sell?

A. "I suppose so, because he was not repelling him."

I am not saying whether that is the fact or not the fact. I am not called upon to express any opinion as to the fact; it is for your Lordships to do that. But if your Lordships accept it as a fact that Mr. McKim did inform the members of the Administration in the early stages, did keep them fully posted as to what was going on—if that be assumed, it is impossible to deny the inevitable conclusion, no matter how treacherous the memory of these gentlemnn may be, that they knew all that was going on. They do not pretend, for instance, having seen McKim's statement, having the opportunity of reading it, as no doubt they have done—they do not pretend that there is a single word or line in that which is not correct. They do not say that Mr. McKim went on further than we ever dreamed, and he has gone to such an extent that we must repudiate his acts. Not a word of the kind. From all the gentlemen who have been sworn there is not the slightest pretence that McKim—they knowing all that he did—transgressed in the slightest degree the spirit, if he did the letter, of the instructions given him.

Q. "Then you asked McKim what Bunting had said?

A. "He told me what Bunting had said.

Q. "Was it arranged that he was to go and tell you?

A. "I expected that he would come and tell me what took place."

Then he says in another place:—

"I did not hear of him going to Bunting more than once. I heard of him meeting Bunting in the lobby and walking with him, and Bunting said the promises would be fulfilled, that he had been to Ottawa."

Showing that where he chooses he can recollect the details, or perhaps to be fairer towards him or more liberal in my observation, that some matters of conversation had impressed themselves more thoroughly on his recollection than others. But I ask your Lordships to say how is it possible to assume that the other matters of fact, of what had taken place, were not communicated with the same fullness of detail, because Mr. Pardee is not now able to recall them. Then—

Q. "You were not the first person to suggest he should get the money and pay it to the Speaker?

A. "I cannot say whether I was or not.

Q. "At all events you acquiesced?

A. "Yes."

Now, listen to this if there is any doubt:—

Q. "When you first heard of Kirkland was his an independent offer from Wilkinson?

A. "When I first heard from McKim he said Wilkinson and he had been talking about the Yankee being ready to enter into negotiations, and that he and Wilkinson had had certain conversations about the Yankee"—not that Wilkinson and he, but he and Wilkinson—"had had certain conversations about the Yankee," as they called him, "and they were going to make use of him to assist them in defeating the Government."

Is it possible for Mr. Pardee to say after that, that he was not aware of the manner in which Mr. McKim was fulfilling his mission? Then the Commission will remember that there is hardly an attempt to deny that Dowling, for instance, was reluctant, and refused to go to see Bunting, and that it was only upon the pressure that was brought to bear—and I do not care how you put the term. I do not care whether it is called an exhortation, which Mr. Fraser so strongly objected to, or whether it is called argument or gentle persuasion, or what it is, it is beyond all peradventure, whatever was said by one or other or both of these Ministers, that Dowling's reluctance to go to the *Mail* office to see Mr. Bunting was overcome, and that, I say, helps to make out the charge. The same suggestion was made to Balfour, and Balfour would not put himself in that false position. Now, have I satisfied your Lordships? For if I have not satisfied you I do not think it is possible to satisfy you, that so far as Mr. McKim is concerned, all that he did he did with the knowledge, consent, and authority, both express and implied, of those members of the Administration. Now, let me say a word or two as to Balfour? His appearance upon the scene was somewhat later than that of McKim. On the Thursday before the 17th of March, he puts it, if I remember rightly, and the date is important with reference to Mr. Vicars' evidence On the Thursday of that week he was definitely approached, and it is sworn that on that day he communicated that fact. He swears so himself in his evidence; and although the dates are not given by Mr. Fraser or Mr. Pardee the evidence is not to be doubted as to that particular fact. Now, Balfour's position appears to have been very different from that of the others, and it perhaps lets in some ray of light upon the darkness of these dealings. Why was Balfour the man who saw Mr. Mowat, why was Balfour the person who was admitted to the Council chamber to communicate details and to give Mr. Mowat assistance in drawing up his paper? He certainly did not know as much about it as McKim. McKim was there from the first. He had been approached from the first—as early as the 7th or 8th of February, the evening after the vote on the Address was taken, for it appears that it was after that that he was in Meek's office. McKim was the man who was first approached by Wilkinson. He was the man who thought they would make use of the Yankee, Kirkland; he was the man who introduced Dowling, Balfour, and Lyon to Wilkinson; he was the man who suggested that those members of the Assembly, owing to their peculiar positions, financial or otherwise, and some having petitions pending against them, should be approached, and they were approached accordingly. And yet at the final close Balfour is the man selected to influence the Premier's mind and to direct his pen in writing out his statement. I say that goes to corroborate, if doubt there was, Mr. Vicars' evidence. I say that goes to establish the evidence of that man, whose character cannot be assailed, and I think I can say here I defy my learned friends on the other side, or Mr. Fraser, notwithstanding his threat, to throw a shadow on Mr. Vicars' antecedents or his veracity, or to impugn him in the slightest degree. And if Mr. Vicars' statement is correct—and I ask you why you should reject a statement of a respectable man simply because Mr. Hardy thinks the occurrence could not have taken place, and Mr. Fraser in a fit of indignation swears that it did not take place. We know it is impossible that they could swear with the same certainty as the gentleman who heard the statement, and in whose mind it became an important matter a short time after. He says that Balfour was the person whose little game was to fix them; and I say that that statement, which could not be doubted after the searching cross-examination of this witness, and every answer that was given and every question that was propounded only made it more apparent to everybody in this Court room who was a spectator, that Vicars was telling the simple, honest truth. I say that fact establishes to my mind the conclusive character of his testimony. I submit, then, upon these facts, that it is clear that one member of the House of Assembly was not merely acting with the knowledge, but was the actual instrument and agent of the Ministers of the Crown who are charged here; that that member was during that time an active agent in assisting Mr. Wilkinson, or professing to assist Mr. Wilkinson in the carrying out of the design which it was said he had made, or was then actually engaged in making, upon the honour of the members of the Assembly. That that is proved by himself in the clearest way just take the evidence of the interview in Mr. Meek's office, his going there purposely to get an agreement drawn up or being there when it was drawn up for him to sign. There is a conflict of evidence, I believe, as to whether Wilkinson was there when McKim went there, or whether McKim was there when Wilkinson came in; but there is the clearest evidence that he was not merely a passive instrument in the matter, but that he was active and energetic, participating in every possible way in endeavouring to get Mr. Wilkinson to make an offer, and to make Wilkinson furnish evidence to him to satisfy the members of the Administration sufficiently to have instituted a prosecution. I do not propose, my Lords, further to dwell upon the matters of fact. I say, taking all these matters together, taking the statement made by Mr. Mowat at the time, taking the statement made by Mr. Fraser deliberately—perhaps it was made in more heat than that of Mr. Mowat—taking the facts which I have read from the sworn testimony, taking the admissions which have been extracted from these gentlemen as to what they did and did not know, there is the clearest evidence, so clear that no jury could possibly escape from the conclusion that all that was done by these different men, by McKim especially and, I do not suppose there is any doubt, by Balfour, that all that was done by them was done by them as the confederates of these members of the Administration mentioned here, for the purpose of prevailing upon or inducing Wilkinson and Bunting to give or to offer to give, money or bribes, so that they might be convicted of this offence. Now, that is the charge, I had almost at the moment forgotten the County Attorney's evidence, which was unique in its way, but which I think, is also important as showing that there was this conspiracy, that there was this act of participation by the Government or their agents, or by the members of the Administration and their agents, to do or to induce others to do an unlawful act which constitutes an offence both in law and in morals. Now, what does the County Attorney say, and how does his statement bear upon this matter? That on Sunday the 16th of March, he was sent for to prepare an information charging them; that he was then told by Mr. Hardy—and Mr. Hardy does not attempt to deny it—that the offence had not been quite completed, and not only that, but that they expected that by that time it would be completed, that they were disappointed that it had not been, but they thought it still would be completed that day, and to keep himself disengaged so that on receiving notice he could at once prepare the information, in order to have the matter brought before the criminal court. Is it possible, in the face of that, to suppose that these members of the Administration were not actively participating in this, when they were able to foretell the hour almost at which the money would be paid—when they sent for the law officer to have the papers drawn, and were only disappointed a little while about them? Can it be said under such circumstances, that they were not perfectly cognizant of all that was being done, and that they were not therefore responsible for every act done and every statement made by those agents whom they chose to employ for the accomplishment of their purpose? Your Lordships will remember that one of these members actually signed a round robin, actually bound himself under his hand in the most solemn way known to the members of a legislative body—bound himself in consideration of the money he had received, to vote against the Government, or to vote in support of a motion of want of confidence; and that was also known to Mr. Pardee. He had heard of the round robin from Balfour. Now, is there not a vast distinction between these two positions? I could understand, though I could not justify, their saying to Mr. McKim, "Well, Mr. McKim, no overt act has taken place yet, and perhaps you may have misunderstood them; now, do nothing; don't encourage them; don't lead them on; don't endeavor to compel them to insult you and to degrade the Assembly of which you are a member by the payment of this money or the offer of a payment; but just be quiet, listen to all that is said, say nothing in response, and if they do anything, there will be no mistake as to what their intentions really are." I say that course could have been understood, though having reference to the fact that this legislative body is the most important body in the Province, and that its honour or dishonour is the honour or dishonour of the inhabitants of this great Province, this conduct was hardly to be expected from the leaders of that body. I say it would have been much more to their credit, instead of seeking to obtain a paltry partizan advantage, to say, "If that is repeated, bring it at once to the notice of the Speaker, and let it be put a stop to." I believe there is not a fair-minded man in the Province to-day, whatever his political views are, who does not regret that that was not done. It is a vastly different thing to say, "Go on step by step, keep it up, endeavor to lead these men on to the commission of the crime, even lend yourselves to the signing of a round robin; go to Meek's office, go to Bunting's office, approach them, bargain with them, conspire with the Yankee, appear in every way to be hand in glove with these conspirators for the purpose of working the ruin of these men and working a party advantage for the Administration of which you are a supporter." Then, that Lyon did entertain the proposition to have his petition withdrawn is scarcely doubted, and that the members of the Government knew that, I think is equally plain. It was a matter of great moment to Lyon that the petition should be withdrawn. He was never offered money; there is no pretence that he was. The pretence is, that on the Crown Land policy he favoured the views Kirkland advocated—and one can understand the difference of opinion on that subject; and all that was asked for him was that his petition should be withdrawn. Now, the Government desire it to appear that he was acting as a double-faced traitor.

They were willing that the petition should be withdrawn, that Lyon should enter into these negotiations; but of course they were not willing that he should go into the Opposition in pursuance of that. We knew perfectly well that an agreement to withdraw a petition is a violation of the Election Law, and can be seriously dealt with by the courts and the Assembly. We all know that it is bad enough to agree for a corrupt purpose, to have a petition withdrawn; that is an evil that the Act carefully guards against by requiring that it should only be done by giving a certain number of days' notice, and by denying that there is any corrupt agreement. Every possible precaution is taken by the Act of Parliament to prevent this. Yet it is clear, from McKim's evidence on page a62, that that agreement was made with Lyon, and Lyon admits that in his evidence before this Commission. Now, I have done with the facts. I think, if it is possible to convince the Commission of the truth of the charge, that the statements I have made—and I have endeavoured to confine myself strictly to the question, and I trust, in moderation, in the comments I have made on those statements—should be sufficient to convince them. Then, as to whether this is an offence or not in law, let me say a word or two. Bribery is a well-known offence at common law, and it is perfectly plain that there cannot be bribery without there being a person bribed. You cannot conceive the offence of bribery which is not accomplished. You cannot do what it is said here they were endeavouring to do, make the one side guilty of the offence of bribery, while the receivers of the bribe were innocent. Such a thing cannot be. Bribery necessarily means—and I think you will find it so laid down in Rodgers on Elections and in other works of that kind, that bribery involves the two-fold offence—the offence of the person who receives, as well as the person who gives the bribe.

The CHAIRMAN.—That is not the charge in this case. The charge is conspiracy to bribe.

Mr. McCARTHY.—I understand that perfectly, but what I am dealing with now is the legal nature of the particular charge which Mr. Meredith has preferred. Now, what was done in this case. They admit that they authorized these men to receive the money; not only that, but in point of fact to coax them on to give the money. Surely that makes that charge complete. The distinction, I understand, as to decoys is this: We know, of course, that there must be detectives, although we are all humiliated to think that members of our Assembly have, with the connivance of the Government, been turned into detectives for the purpose of doing the nasty, dirty work which detectives must do in order to ferret out crime. I say it is a humiliating thought to every honourable man in this country. But we know that detectives may do certain things and not violate the law, for the discovery of crime; but the authorities say this quite plainly, that if they once do anything in their over zeal which makes them participants in the crime, then they have gone too far, and have prevented what would otherwise be an offence from being one. I will read from the *Albany Law Journal*, vol. 25, page 184:—

"The decoy must not consent to the crime. So, if the owner delivers property to the would-be thief, this is no larceny. In like manner the decoy must not himself commit any ingredient of the act which it is necessary for the criminal to commit in order to constitute the offence; as leaving the outer door open, or opening it to admit the burglar."

Apply that to this conspiracy—because they were to go on until the money was paid, until they were actually bribed. The charge is that the members of the Administration have conspired to do an unlawful act, that they have violated the criminal law; and that charge has been maintained and made out, if the facts are as I have endeavoured to persuade your Lordships they are even on the evidence of the accused themselves. The law is that to constitute bribery there must be the consent of the bribee; there must be the two parties to the transaction, just as to constitute rape there must be opposition on the part of the female, otherwise it would not be rape. No offence of bribery is committed without the acceptance by the party of the bribe as a bribe, and that is a participation in or consent to the crime, that is, he has committed himself or aided to some extent in it; he has committed an ingredient of the act which is necessary to the commission of the crime. Your Lordships will find the same matter treated of in the *Law Times*, vol. 71, New Series, page 223, in which the case is cited of Blaikie *vs.* Linton, from the *Scottish Law Reporter*, vol. 18, page 583.

"The recent case of 'Blaikie *vs.* Linton,' in which the Judges of the Scottish Court of Justiciary had to consider the case of a person who had been entrapped into the commission of an offence, at once recalls to the mind the case of Thomas Titley, whose conviction for an offence to the commission of which he had been incited by an employee of the police, gave rise to a good deal of observation some months since, and formed the subject of a number of questions in the House of Commons. In regard to that case, which was generally considered to reflect but little credit on English justice, the decision of the Scotch Judges in reference to the same point which was then raised, will be regarded with some interest. The charge against Blaikie, the appellant in the case, appears to have been preferred by the respondent on the appeal, who filled the office of Procurator Fiscal of the Edinburgh Police Court at that Court, and who alleged that the appellant had committed an offence against the laws for the regulation of public houses by trafficking in excisable liquors, namely, whiskey. and selling that article to a certain woman named in the charge, without having obtained a certificate in that behalf. The facts proved were to the following effect: the appellant had a shop in Edinburgh, for which he held a dealer's license, authorizing him to sell not less than two gallons; but he had no retail license for these premises, though he did possess a retail license for other premises held by him, also in Edinburgh, and at no great distance from the premises in respect of which the charge was preferred. The woman named in the charge as having purchased whiskey from the appellant in a manner not authorized by the terms of his license for the premises in question, was a female turnkey in Edinburgh jail, and was acting in collusion with the Edinburgh police, at whose suggestion she went to Blaikie's shop and induced him to sell her a pint of whiskey, which was a less amount than was warranted by his dealer's license. The Police Magistrate convicted and fined Blaikie, and from this decision he appealed, alleging that the conviction was bad. One ground on which he maintained this contention was that the charge was not properly drawn; but the substantial ground was that the conviction was vitiated by reason of the appellant having been entrapped and solicited by the police into committing a breach of his excise certificate; and he went on to plead that the woman to whom he sold the whiskey was not a *bona fide* purchaser, but was specially employed to entrap him, and that in order to do so, she had refused, when requested by him, to go to his other premises for which he had a retail license, but had induced him to give her the whiskey then and there by representations as to the favour it would be to her if he would let her have the whiskey without going to the other shop. On these facts two things were clear—one, that the appellant had, according to the strict letter of the law, committed an offence for which he was liable to punishment; the other, that but for the solicitations and inducements of the police, no such offence would have been committed. On such facts Titley was convicted. The Scotch Court, however, thought it unnecessary to pronounce any considered opinions, but simply quashed the conviction, ordered the repayment of the fine, and gave the appellant his costs. In the Scotch and English cases alike, the action of the police may have been occasioned by an honest excess of zeal and a desire to obtain the punishment of one who was, they were well satisfied, an offender; but it would be well that they, the guardians of law and order, should for the future refrain from inciting to offences against law and order, even though they may have suspicions as to what has occurred on former occasions."

Now, the facts of that case are very like those of the present case, and the result cannot be different. All that I have said goes to show that but for the active interference of the Administration and of their agents, this matter would have ended in the early days of the Session, and nothing more would have been heard of it. But for their own purposes, and evidently, from what we have heard here, believing that the members of the Opposition were parties to the conspiracy, parties to this attempt to bribe members of the House, which charge, at a late hour and when it was impossible, in the open face of day, to maintain any longer the suspicion of the charge, has been withdrawn, they allowed these attempts to go on; because you will remember that it is frankly stated by Mr. Fraser, I think, that they delayed presenting this accusation in the House, and they actually went through the form of moving the House into Committee of Supply, in the hope that the Opposition would prove their confederacy with Wilkinson and Kirkland by moving a resolution. I say further they endeavonred to entrap Mr. Bunting, and believed they would do so, and that they would in that way perhaps implicate men still higher in public life. Beyond all doubt that was their game, and without that game this offence would never have been committed. Is that an unlawful act? The decision in the case I have just cited is based upon its being an unlawful act, because the conviction was quashed although the man had violated the law. So here, this act would render on a trial for bribery, for instance, the acquittal of the accused necessary as a matter of law and not of fact, as a matter of direction from the Bench, and not a matter to be dealt with by the Jury. The direction from the Bench on these facts, if Wilkinson was being tried for bribery of a member of the Assembly, would necessarily be that while the first thing to be ascertained was whether he was or was not guilty of bribery, the second thing was whether the member had coaxed him to commit the bribery, because if he had, there was no offence at law. I say that the conclusion from that, then, is that the doing of this Act by these men is an offence both legally and morally, and one which cannot properly be dealt with by this Commission; because the evidence having been taken, it must be reported to the House, and I suppose all the Commission will do will be to report what they find are the facts upon it. Then there is the case of Saunders vs. the People, in Vol. 38 of the Michigan Report, page 218, in which decoying or conniving with persons suspected of criminal designs for the purpose of arresting them in the commission of the offence is denounced by the Supreme Court. Mr. Justice Marston, in his judgment said:—

"The course pursued by the officers in this case was utterly indefensible. Where a person contemplating the commission of an offence approaches an officer of the law, and asks his assistance. it would seem to be the duty of the latter, according to the plainest principles of duty and justice, to decline to render such assistance, and to take such steps as would be likely to prevent the commission of the offence, and tend to the elevation and improvement of the would-be criminal rather than to his further debasement. Some courts have gone a great way in giving encouragement to detectives, in some very questionable methods adopted by them to discover the guilt of criminals, but they have not yet gone so far, and I trust never will, as to lend aid and encouragement to officers who may, under a mistaken sense of duty, encourage and assist parties to commit crime, in order that they may arrest and have them punished for so doing."

It is not detectives, or the conduct of detectives which is being dealt with here. It is the conduct of the Attorney-General of the Province and his collegues in the Government—conduct which has been denounced by the Supreme Court of Michigan. It has been our custom to pride ourselves on the purity of administration of justice in this country; and yet we find conduct which is pronounced disgraceful in detectives, is brought home to the members of our Provincial Administration before a Commission and the open court, and after a fair and impartial investigation, so far, at all events, as to leave the accused no ground of complaint, and by evidence which it is impossible for your Lordships to disregard.

Mr. Blake.—I propose, my Lords, shortly to follow my learned friend in the remarks he has made, and I will first say a word upon an observation or two which he made towards the close of his address. He felt sensibly, no doubt, the earnest desire that the Assembly should not be degraded, and that being so, I should have expected more aid and assistance in the prevention of that degradation than I have received. The difficulty between us seems to be as to what would be a reasonable method of preventing the degradation of the Assembly—as to whether it would be to allow this matter to pass, as it did in the case of Awrey, without any evidence—simply to besmile it away; or whether it would be better to allow the matter to be placed in such a position that it could be taken hold of by this Commission and the courts in order to do what the Government desire to do—to protect the Assembly, and to prevent its degradation from being attempted in the future My learned friend has appealed, I do not think reasonably, to every fair and right thinking man as to which would be the best course to have pursued, and I think the finding will be inevitable that the course of the true patriot was, whether the duty was a disagreeable one or not, to track out this crime, to prevent its repetition, and to keep this Assembly pure; and the names of those who have borne the brunt of this duty will be remembered when those who have attempted to thwart the prosecution will have passed away from the mind. Now, I submit to the Commissioners, so far as this charge is concerned, that the moment it is read and the evidence placed alongside of it, that charge must at once fall to the ground. It is said that these four gentlemen, members of the Government, "knowing that attempts were being made to corrupt members of the House." It begins by admitting that, and upon that premise the propositions are based—"induced members of the House to approach persons who were said to have been engaged in this work, for the purpose of inducing them to make corrupt offers." Now I submit with confidence to this Commission if there is any single sentence, or a single line in the whole of the evidence before the Commission, that can possibly be tortured into a basis for this statement to be built upon; and as to the second portion of the charge—"and to endeavour to entrap others not engaged in the matter into the same criminal acts"—I say it is equally without evidence for a foundation. There is not a word of evidence to shew that there was any attempt made to inculpate others in this crime. So that taking that statement and reading the evidence, I think that without a word of comment the conclusion must be that this charge is unsupported. What is this extraordinary charge which we have been investigating? I submit that its very absurdity should be an answer to it. The charge is that the Government set on or urged people to bribe their own supporters—that the Government set on people to endeavour to work their own defeat—that they held out inducements of various kinds to endeavour to cause the Opposition to take their places, and then to be relegated to the Opposition benches. That is what the charge really amounts to—that they were so devoid of common sense, that their human nature was so completely sunk, that they desired the persons who were in the Opposition should come over to the Treasury benches, and that they should go over to the Opposition, that they were part and parcel of the means taken to bribe certain of their supporters to vote against themselves and thus to displace them. Now, I say that the very absurdity of the charge is a sufficient answer to it, and shews that it is not presented for any legitimate purpose, but simply as a kind of set-off to the true and real charge before the Commission, just as your Lordships know that wherever you find a real guinea you will very often find a counterfeit. Just as you detect the false coin by the untrue ring about it, so you have the proof of the falsity of this charge on its face. It was never intended that there should be anything in the shape of a bribe on the part of the members approached, because at once the Government was informed, at once the Government was told of the amount of money offered and the offering of the offices, and when it came to the crucial test, the truth of that was at once displayed by the money being put in the hands of the Speaker and the offices being rejected; and then these men shine forth in their true character, not as persons that could or would be bribed, or that would desire to have any part in a conspiracy, but as men who determine that, although for a few days or weeks, there might be remarks made about their conduct; that that which was known to the Government, which resulted on the 17th of March in handing the money to the Speaker and developing this plot, would be their complete and entire defence. Now it is said that it is not necessary to discuss the legal bearing of this charge; nor will my learned friend discuss it as a matter of honour or dignity. I submit to this Commission that what might be a matter that would be scarcely justified in small, trifling, every-day affairs, becomes not only a matter to be tolerated, but an absolute duty under certain circumstances. While the man of integrity would not himself stoop to debase either himself or others by the means that have been displayed before this Commission, neither would he allow that to be done by others, and that anything short of becoming a participator in the crime, when the purpose is to sap the very foundation of honour in our land, would justify him in throwing himself in the breach, and saying, "Although it may be a disagreeable duty to perform, and may for a time be thrown at my door, I stand here ready to accept what has fallen on my shoulders because of the grievous injury which will be done to the country unless this thing be stayed." We know how much is allowed and tolerated because a person is endeavouring to debase the current coin of the realm, in order to stop the work of those engaged in it, and I appeal to the Commission as to whether when a person is endeavouring to debase the current morality of the land, something far dearer and more important that the current coin of the realm, not only much is to be tolerated, but we should say to these men, "We thank you for doing what you have done if it has the result of preventing this debasement." Therefore, I say, I do not care whether my learned friend seeks to argue this matter upon a question of a sense of honour or a sense of dignity. I say, on behalf of the persons, who are attacked by this charge, that the highest sense of honour and of justice and of right, and their duty to the public interests of this country demanded of them that such steps should be taken as would once for all prevent the possibility of any repetition of the corrupt attempts which had been made. In the Police Court, attention was called to what went on in the days of Sir Robert Walpole. The coarser violence of to-day stands in contrast with the more delicate ways in which he carried out his purposes; but in this country and at this time, it must be shewn that the Government of the day can be carried on without the use of any of those methods which culminated in the time of Walpole. Then, certain isolated passages are taken from the evidence of Mr. McKim—some sixty or seventy pages, and a page or a page and a half is read to the Commission as proof that he was, as it were, the mainspring in this conspiracy. What I submit to the Commission as proved beyond the shadow of a doubt is this—that instead of their being any approach made by Mr. McKim to any person, Mr. Wilkinson insidiously made the approach; that Mr. Wilkinson first fell foul of Mr. McKim, thinking that he was a person that he could operate upon, that he began the manipulation, and that there was not one single act done until in reality an effort had been made, until it was plain that there was not only the attempt and the desire, but that it had gone as far as a culmination to debase the Assembly, and that from the beginning to the end everything done was simply as a matter of defence. I submit also to this Commission that although in the general, the Attorney-General made a statement shewing that these persons did not carry on this matter keeping the Government in ignorance—that what was in the minds of these persons was this, "Will you accept this information? Will you accept generally a statement of what is going on? because if this matter be brought up in the future, we insist on having this protection, that instead of our having secretly connived at this offence, from the very beginning we informed the Government that these approaches were being made, and we simply remained there for the purpose of obtaining evidence to convict—not for the purposes of bribery, or our being corrupted, or the Assembly being tainted—but in order to secure the best means of preventing the corrupting and the bribing of the Assembly either then, now, or in the future." So that we have distinctly the starting point of Mr. Wilkinson approaching; and the Commissioners have before them evidence of how widespread this was—of how many-handed Mr. Wilkinson was in his attacks—when we find that approaches more or less were made to no fewer than fourteen members of the Assembly—Messrs. McKim, Balfour, Cascaden, Dowling, Lyon, Harcourt, Gibson, Hart, Laidlaw, Caldwell, Sills, Graham, McMahon and Badgerow. All these were touched more or less, all seen, with the view of learning whether they could be moulded according to the wish or view of Mr. Wilkinson and the others. Now, in the evidence cited from the Police Court, you will find in the very passages which have been cited, or in their neighbourhood, conclusive evidence that my statement upon this point is correct. The first passage my learned friend read was from page a28. At page a32, we find:—

Q. "How long was it after that before you spoke to any of the members?"

A. "Immediately after I got the offer; I believe the same day or same night, I went and told Mr. Pardee, and that they had better be on their guard, for this thing was going on."

Now, I submit to the Commission that, from the beginning to the end, that was the position taken by Mr. McKim and the others, and that was the position taken by the Government; there was an attempt, there was information given to them, there was the warning, "you had better be on your guard." It never went beyond this, but it was said, "What evidence have you?" and the Commissioners are well aware that, in election trials analagous to this, wherever there has been an offer, by the rules of law in England as well as by the rules here, unless the evidence of that offer is corroborated, the court scarcely pays the least attention to it; and the Commissioners have before them in this very case the fact that Mr. Awrey was approached, and when he displayed some anger, it was at once passed off as a joke. Therefore, if, instead of permitting those persons to form the trap into which they might fall, these men had at once awakened them as Mr. Awrey did, the result would have been simply a smile. This would have been left a matter to smile away, this, which the Commissioners see was a determined attempt to subvert the Government of the land, would have been laughed off as a joke, and it would have been impossible to have brought the offenders to justice. For that reason Mr. McKim approached the members of the Government, and indicated to them a little of what was being done, because it was not pretended that each detail was submitted to them. He does not pretend that these matters were brought up in the caucuses of the Government, or that to all of them this information was being given. The simple instructions were, we want evidence of this thing—is there evidence? and when the answer was made, "I have been offered the money, and the money is to be paid on such and such a day," the offer was made, the crime was consummated, and what was wanted was evidence of it. Then it was said, "you had better let them hand you the money, and you will have evidence that will convict them of the crime;" and a fair reading of the evidence of Mr. McKim or the other witnesses, or of the Ministers of the Crown, will lead the Commission inevitably to this conclusion, that the conversations did occur in the way I say, and were met as I state—that the crime having been consummated, the object was to gain evidence which would corroborate the statements of these men, and which no smile or laugh could do away with. The next extract was from page a64. Let us read the context:—

Q. "Had you any other interview with the Government respecting Mr. Lyon before you told him of this communication?

A. "I don't remember, and I think I gave them pretty fully.

Q. "Were you not present at the interview between some of the members of the Government and some of these members that you have named?

A. "I don't think so.

Q. "Were you not present at any interview between any member of the Government and any of these members?

A. "I don't remember at any particular time that I was; I may have, but I don't remember.

Q. "At what time was this whole plot disclosed to the Government?

A. "They learned of it from time to time, as it was going on, and I kept them fully posted, as fully as I could.

Q. "After you failed in your first interview with Mr. Bunting in getting the note there, were you instructed to go and see him again by any member of the Government?

A. "No.

Q. "They did not instruct you to press it?

A. "No."

So that he simply goes and informs the Government, as it was his duty to do, whether these attempts had extended from A, B and C to E and F, as to whether they were putting their attempts in a new way, as to whether there was some new phase of villainy or not—goes simply to mention these general facts; but whenever it comes to the particular question, did they tell you to do so-and-so? Mr. McKim swears, as do the members of the Government, that was not done.

Then again we are referred to a60 and 61. Now, at the head of page 60 it is shewn what it was that set Mr. McKim working. Beginning at page 59:—

Q. "As I understand it, you were the medium, the go-between, for approaching Mr. Balfour and Dr. Dowling and Mr. Lyon. You were the man who approached all these men?

A. "I was the man, and I was the man that named them, at least that Wilkinson named them to me; I named them to the Government; I counted the cost; after being threatened and all that kind of thing, I made up my mind I would get what evidence I could; I named them to Mr. Pardee and Mr. Fraser."

So that when Mr. McKim found that these persons were pursuing that course, after he had counted the cost, he determined that he would go on and get what evidence was necessary to convict them. Then there was the statement about swearing him through, and the commissioners will not forget that fact as shewing the absolute necessity of going on.

"I told Mr. Pardee and Mr. Fraser that these people would swear me down. On one occasion Wilkinson said, 'when we undertake a man we swear him through,' and I made up my mind that if they swore a man through, they would swear him the other way." Mr. Wilkinson says in so many words: we will swear this thing through; oath to oath will be nothing to us in the carrying this contest; and, therefore, you must have in your hands irrefragable evidence of their guilt.

Q. "You say you were the party who named these men, Dowling and Balfour and Lyon?

A. "Yes, I named them, I believe, to both Mr. Pardee and Mr. Fraser.

Q. "Had they at that time been to see Mr. Pardee and Mr. Fraser?

A. "I think not; not that I am aware of.

Q. "Of course there was naturally a great deal of surprise expressed by both these honorable gentlemen when they heard that these men were named?

A. "I gave the reason that I named them." And I asked whether it was not absolutely right; nay, the duty of a supporter of the Government, when he discovered the organized way in which this whole thing was being carried out—for we find, as a matter of fact, that fourteen or fifteen people were being touched—was it not his duty to warn these persons who were being touched, and to warn the members of the Government?

Q. "Were they, apparently, surprised?

A. "Well, I dont think that they were; there were rumours about that such things were there.

Q. "Were you the party who furnished the names of these gentlemen to Mr. Wilkinson?

A. "Mr. Wilkinson repeatedly asked me what members of the House I thought that I could influence, or that he could get others to influence; the style of talk was to get some other person outside whenever he could get them to influence a member if I named him.

Q. "He asked what members of your party are amenable to influence, and you gave him the names of these parties, Dowling, Balfour and Lyon?

A. "Yes.

Q. "Any others?

A. "There were others talked of; he asked me about Badgerow once; I told him that I did not think I could touch him; he was away up above my society amongst the lawyers.

Q. "Who else?

A. "He asked me about Laidlaw." These were the passages that were read; and all I ask of the Commissioners is that in reading any isolated passage, they will just look at the surroundings, and see whether it is not brought home to the Commission that Mr. McKim was acting in the way, and under the circumstances, which I have alleged. Then, the last passage was on page a52. A little further down, at the foot of that page, Mr. McKim is asked:—

Q. "Did you take these gentlemen, (Mr. Balfour, Dr. Dowling, and Mr. Lyon) at Mr. Wilkinson's request, to his bedroom?

A. "Yes."

Now, having touched upon the evidence of Mr. McKim, let us see if it is supported by the statements of the Ministers of the Crown.

Now, as to the statement made by the Attorney-General in the House, all that the Attorney-General said was, "The substance of that statement is, no doubt, what I did say." The session was nearly ended, and, probably, while busy in the House, though not having been fully informed of what had taken place, he thought that it might be necessary to make that statement at any moment, and under these circumstances it was prepared; but it cannot be given fuller weight than the Attorney-General's statement before the Commission, with all the facts before him. Now, the information that the Attorney-General said he had received was:—

"During the debate on the Address some of my colleagues mentioned that they had become aware that there was an attempt being made to bribe some of our friends in the House." Then he is asked:—

Q. "Were you aware, Mr. Mowat, that emissaries went from the Government, or professing to come from the Government, to Mr. Bunting and others with a view to having perfected the offer of bribes?

A. "I was not aware. Now that you mention Mr. Bunting's name, I remember that his name was distinctly mentioned on the first occasion, as one of those who was concerned in what was going on."

Then, further, he is asked:—

Q. "Are you aware that McKim was sent to Bunting, on behalf of the Government, or any of its members, with the request that he should get Bunting to commit himself in writing by signing a note?

A. "I am not aware. I am not aware that McKim was ever sent to anybody by any member of the Government.

Q. "Are you aware that Lyon was advised by certain members of the Government that if he could get the petition against his return withdrawn, he had better acquiesce in the proceedings looking towards bribing members of the House?

A. "I am not aware of any such thing. . . . . .

Q. "Are you aware that McKim first demanded a certain consideration as the amount of the bribe, subsequently increasing it?

A. "I am not.

Q. "When did the Government determine to take criminal proceedings against Wilkinson and others?

A. "I don't know that there was any particular form of determination came before us, though I presume we all intended—I know I did—to prosecute any persons whom we could show to be guilty of the very great crime with which they were charged.

Q. "You were waiting until the bribery was consummated by the acceptance or receipt of a sum of money?

A. "No, the crime was in the conspiracy to bribe—in offering to bribe. The delay may have been to obtain corroborative evidence. Without corroborative evidence the matter would have depended upon the statement of those attempted to be bribed. The guilty persons would, no doubt, swear it was all untrue, and it was desirable that confirmatory evidence should be obtained in the interests of justice.

Q. "Then that is part of the proceedings which you sanctioned—the completion of the offence by getting a sum of money?

A. "I don't remember what passed about any sum of money.

Q. "You remember it was intimated to you that members of the House were offered sums of money and offices; do you remember whether it was said that they should get sums of money, or distinct offer of offices, so that they could be proved?

A. "I have no doubt that after the crime of conspiracy had been committed, that if any money was offered it should be accepted.

Q. "Are you not aware that the offer of a sum of money is an offence against the Independence of Parliament Act, punishable by imprisonment; you wanted something additional?

A. "If the offer is made, it is of very little use unless it can be proved."

So that one gets almost *verbatim* from the witness what I submitted to your Lordships was the true state of matters between the Government and these persons, and between the Government and Mr. McKim.

Q. "You were then waiting until the money was paid as an undoubted proof of the attempt?

A. "The money paid would offer undoubted proof. . . . . .

Q. "Mr. McKim said yes in reply to the question, was that act done with the knowledge of the Government?

A. "I had no knowledge whatever of it.

Q. "Was it known to your colleagues?

A. "I don't think it was. I never heard such a suggestion made."

Then he is asked again:—

Q. "Do you approve of the Act mentioned by McKim, when he says that two members of your Government advised him to tell Lyon to go into the scheme if he could get the petition withdrawn?

A. "I would not have approved of that.

Q. "I understand that the only reason for the delay in proceedings for two months against the alleged parties to the conspiracy is because you had not the proofs completed for going before the Legislature?

A. "The efforts of these persons ceased when the debate on the Address came to a vote, and they were not resumed for a long time, I suppose two months. During a long period of the Session, therefore, these attempts were not being made. But no doubt the reason why the statement was not made to the House immediately after the facts came to their knowledge was that, in the public interest, it was deemed desirable that there should be corroborative proof to establish the guilt of the parties. I believe that was the reason, and I am quite willing to bear my share of the responsibility of it. I thought Justice would be defeated if that course was not taken. We were not afraid of the bribery being successful after those intended to be bribed had disclosed the facts to us."

He says further on :—

"They simply gave me a general knowledge of what was going on." Then, he of course denies the charge, saying that it is false ; and he is asked :—

Q. "What alone was your object in allowing the matter to continue in this way?

A. "In order that the guilty parties might be approached and punished."

He is further asked :—

Q. "In whose interests were parties allowed to continue their corrupt acts?

A. "In the interest of right and justice.

Q. "You consider that it was in the interests of Justice to make them complete the crime?

A. "The crime had been committed.

Q. "Then why did you not punish the parties?

A. "I have told you that over and over again. We are trying to punish them now, and your friends are trying to prevent them being punished."

Then we find the following in Mr. Hardy's evidence :—

Q. "Did you or any other member of the Government in your presence give any advice to McKim as to what he should do on the receipt of that offer?

A. "I did not, myself, see Mr. McKim to have any talk with him until probably after the debate on the Address was over.

Q. "Did Mr. Pardee in your hearing give any advice as to what course he should take?

A. "Mr. Pardee, some time during the Session said to McKim and to others in my presence to let these men go on ; if they offered money, take it and hand it to the Speaker.

Q. "Do you swear he did not voluntarily tell them to go on and trap these people?

A. "I did not hear more than I have mentioned?

Q. "You were aware that an offer of money or of office to a member of the Legislature was in itself an offence against the independence of Parliament?

A. "Yes.

Q. "Did you advise at this early stage what steps should be taken to vindicate the honour of Parliament?

A "Yes."

And then Mr. Hardy goes on to say that he wanted to have them brought before the bar of the House, but the question was whether there would be sufficient evidence to convict. He says:—

"I heard that Lyon was to be one of those they were to offer money to. . . As a matter of fact we knew of the proposal to withdraw. As far as I was concerned, I was willing he should probe them to the bottom to see how far they would go."

Then he is asked:—

Q. "Did you not discuss with your colleagues that it would be an important matter from a party point of view to entrap Bunting in this matter?

A. "We never talked of entrapping Bunting."

And when he is asked distinctly the question, "What did you say to McKim?" he answers that he told him to let Wilkinson go on and see how far he would go. Then Mr. Pardee was examined, and he was asked:

Q. "What was the substance of your advice to McKim?

A. "The same as before, not to repel them, to let them go on and develop their schemes, and see how far they would go, and if they paid money to hand it over to the Speaker."

That was the relation between Mr. McKim and Mr. Pardee, as shewn all through Mr. Pardee's evidence.

Q. "You had talked it over among yourselves?

A. "Yes, it was the subject of a great deal of conversation. We agreed that the best thing to do was to allow Wilkinson and Bunting to go on so as to get corroborative evidence of the crime of attempting to bribe. The payment of money we would call corroborative evidence."

Then Mr. Fraser is examined and uses almost the same words:

"I do not pretend to give the exact words, but in substance I said that if I were in his place I would let these men go on making their offers; that I would not drive them away, but would let them expose their whole scheme, and not give them any reason to think that I was unwilling to accept their offer, and it was his duty to find out their scheme. I am now talking of Wilkinson and Mr. Bunting specially. I am not certain that McKim had mentioned any other name at that time.

. . . . . . . . . . . . . . . .

Q. "And yet you still approved of these negotiations?

A. "I approved of letting these men expose their own ends. I would have done it myself. . . . . . .

Q. "When did the Government determine to prosecute this matter?

A. "All along we talked about bringing these men to justice and have the House take action."

I submit that the evidence, taking it altogether, is conclusive in favor of that which I have stated to be the position taken by the Government and taken by Mr. McKim.

Now, it was said that Mr. Dowling was reluctant to go and see Mr. Bunting, and my learned friend dwelt upon that and upon the question of persuasion. Now, the Commissioners will remember distinctly that Mr. Dowling said, "If I go there I will be mixed up in some way in this affair, and what will be my answer when I am found in the *Mail* office?" And the reply was, "Why, you have told the Government this, and therefore it can never be suggested that you went there for the purpose of being bribed or bought." That was the difficulty in the mind of Mr. Dowling, and all that was done by these gentlemen was to remove that difficulty by saying to him, "What you are afraid of cannot be established against you, because of the full disclosure you have made." Then it is said that Mr. Balfour was aware of the approaches on the Thursday before the 17th of March, and that that fact is material as corroborating the statement of Mr. Vicars. Now, Mr. Vicars' evidence was, to say the least of it, peculiar. I do not know that after the positive denials of the two Ministers, the possibilities of mistake, and all the surroundings, any weight would have been attached to it; but I suppose in some cases it is necessary to grasp at a straw, and it was done in that case. I have merely to say that Mr. Vicars' account of the transaction is inexplicable. He says he did not see these gentlemen until they were within two or three feet of him, that they were walking pretty fast, that they were walking arm in arm, and that this statement was made. Mr. Hardy says that he did not make that statement, to the best of his recollection, and the probabilities are greatly against it; and Mr. Fraser says distinctly that it is out of the question, because between six and eight o'clock that week he was never outside of the Assembly, owing to the pressure of business. Therefore, there can be no doubt that that statement, if it was not manufactured out of whole cloth, as Mr. Fraser says he believes it to be, certainly it could not have been a statement made by these two gentlemen. Then as to the position taken by the County Attorney—I cannot bring to my mind any reason why that should be made a matter of comment. It was thought that these persons were about to leave the country—that Kirkland and Wilkinson might escape; and it was a matter of such grave moment that instructions were given to him on Sunday. Then it was thought that some further evidence was given, and as it happens in nine cases out of ten he was told to simply stay his hand for a short time. And surely this cannot be made a case so entirely exceptional that what would not be looked upon in any other case as a matter of suspicion should be twisted and distorted so as to be made so in this particular case. Now, it is said that Mr. Lyon did entertain the proposal. There is no doubt that Mr. Lyon was there upon some matters as an independent member. There is no doubt that Mr. Lyon was anxious, as any person would be, to have his election petition dismissed, and there can be no shadow of doubt that that was made an excuse for approaching Mr. Lyon, and there is no doubt that Mr. Lyon did listen to that approach just for the same reason those others listened to it. Now it is said that this bribery is an offence, and I think it was said that there would be a hundred cases found in which bribery would be shown conclusively to be an offence, no matter what the intention of the bribee was. What I submit as a proposition that cannot be controverted is, that the intention of the party rules in regard to this question of conspiracy and of bribing, and that the moment we establish that there never was the intention to accept of the bribe, the whole case falls to the ground. In the little work on the Law of Criminal Conspiracies, by Mr. Wright, we have at page 68 this statement:—

> "Every crime consists of a state of intentionality—some form of intention or of carelessness—and an overt act or an omission to perform a duty. The kinds of intention, a combination for which may be criminal, have now been discussed, and it remains to consider what overt act will suffice."

That was the reason the advice was given to Mr. Dowling, "you need not be afraid, because the intention to do wrong can never be urged against you." In Wharton's criminal evidence, at sec. 440, occur these words, defining an accomplice:—

> "An accomplice is a person who knowingly, voluntarily, and with common intent with the principal offender, unites in the commission of a crime. The co-operation in the crime must be real and not merely apparent."

So that the Government and all of these persons interested in the matter felt that the moment they displaced the idea of intention and of actual co-operation, then there could be no charge, and they could not better displace that than by the two means adopted —first, by informing four or five of the fact, and then when it came to a crisis, placing the money in the hands of the representative of the Assembly against which the attack was made. After these two things had been done, they felt that it could never be said that they were *particeps criminis*, because they had kept themselves distinctly clear of what constituted the offence. We find also a discussion of this question in Mr. Ram's work on "Facts" at page 170. He says:—

> "The first witness and upon whose testimony most materially the case of the prosecution depends is Thomas Cooper. You are to take him now, to be not only an accomplice but a principal in the commission of the crime; a person to whom, although competent, you would not be disposed to give credit, nor ought you to do so unless he is supported and confirmed by other testimony; but he does stand before you in a different situation from almost any other person I ever remember presented to a jury as an accomplice; for he is not only not contradicted in any one particular by any of the vast body of evidence collected from on board his own ship; and every person has been called before you who filled any function in it, excepting the prisoners Codling and Reid; he not only is not contradicted by any of them in the course of their examination, but is not attempted to be contradicted by any witness brought to disparage his general credit of character; nor do any of the circumstances adduced on the part of the defendant reflect discredit upon his character or discredit upon the story he has told; and in the very manner of his statement there is something which gives a degree of credit to his statement as a story. Therefore, though he stands before you an accomplice, and although he is the very hand that effected the destruction of the ship, he is as little tainted by the commission of such a crime as almost any accomplice that ever presented himself in the courts of justice. No one person has been called to say he would not believe him on his oath; nor is there any motive beyond the promise of looking after a better berth or better situation for him that seems to have been thrown out as a lure for him, to induce him to act the part which he assigns to himself in this transaction."

I ask your Lordship's attention to what is said on page 171:—

> "Suppose the witness to have been a spy, one who watches the words and actions of others for the purpose of informing and giving evidence against them. If this man has accidentally, or from previous information or suspicion, is designedly present during the plotting of some offence whether against the State, the Government, or individuals; and from dislike to the meditated conspiracy, and to further the ends of justice, he conscientiously remains to learn the views and secrets of the associates in the plot, with a fixed design to stop and counteract it, or if unable to do this, at least to aid in punishing the conspirators; this conduct may be justifiable both legally and morally, and it will follow that if to convict the parties to the plot he gives his evidence against them, the mere character of a spy ought not to prejudice or stain the credit of the witness. To this man no guilt of the plotted offence attaches."

So we get both the law and the ethics of the matter, and we find them to be in favour of McKim. Again he says:—

> "Another description of spy may be a man who has been undesignedly present at a plot, and by the inducement or example of others been tempted to join in it; or a man who has been even one of the original promoters of a plot; and either of these men whether from seeing the proceedings may lead him further than he intended, or from some quarrel with his companions, or from repentance, or from other cause, may secretly and unknown to the others withdraw from the confederacy, and from that time resolve to watch their proceedings with a view to be a witness against them; and with this intent continue to attend at their meetings and take notes of or carry away in his memory what he sees and hears. This man stopped short in his career of guilt, as a conspirator, before it is perfected."

Now, at page 173, Lord Chief Justice Eyre in summing up to the jury, made these remarks:—

"It has been a fatiguing work to go through these broken accounts of the transactions of the society from this man's notes, and the accounts must necessarily be somewhat imperfect; but upon the whole they carry with them very great marks of authenticity; and with respect to those facts which can be clearly collected from them they seem to be very weightily proved; and I cannot imagine that the evidence of this man is shaken in any particular whatever, from the very circumstance of a man otherwise of credit choosing to give information of proceedings which he conceived to be dangerous to the constitution of the country; to say that that is to affect his credit is not a thing to be asserted in a court of justice nor a thing to be encouraged by a jury."

A little further on the same authority gives us this:—

"Wherever men of this description give evidence, and they give their evidence in a way which is clearly open to observation, the circumstance of their coming to give their evidence in this manner will have its weight; and if their evidence in other respects is uniformly consistent and probable and is not impeached, it is not enough to say that this man went into the society on purpose to inform the magistrates of what was passing. It is extremely necessary that should be done; it is the duty of the magistrate to watch over the public peace if anything material is going forward by which the public peace of the country may be affected; it is the duty of the magistrate to use all proper means to bring these proceedings to light in order that they may be brought to the test of the law; and he would be criminal if he would not use those means."

Now, I submit that every word there spoken by Lord Chief Justice Eyre with regard to that can be used here with regard to the position taken by Mr. McKim, and that under the circumstances he would have been criminal to himself, criminal to the Assembly, criminal to his country, if he had not taken the very course which he did adopt for the very purpose defined by the Lord Chief Justice in the case I have referred to. Another authority upon this subject is found in a third volume of Mr. Cox's collection of criminal cases, Rex *vs.* Mullins, 526, at 531, vol. 3, in which Mr. Justice Maule says:—

"But the practice I have referred to has never extended to the case of spies, and with good reason. An accomplice confesses himself a criminal, he may have a motive for giving information, as it may purchase immunity for his offence. A spy, on the other hand, may be an honest man, he may think the course he pursues is absolutely essential for the protection of his own interests and those of society; and if he does so, if he believes that there is no other method of counteracting the dangerous designs of wicked men, I can see no impropriety in his taking upon himself the character of an informer. The Government are no doubt justified in employing spies; and I do not see that a person so employed deserves to be blamed if he instigates offences no further than pretending to concert with the perpetrators. Under such circumstances they are entirely distinguished in fact and in principle from accomplices, and, although their evidence is entirely for the jury to judge of, I am bound to say that they are not such persons as it is the practice to say require corroboration."

Then there was a case in the English House of Commons which was dealt with, as will be seen by Vol. 134 of the Journals of the House—the case of the Tower High Level Bridge Bill. I read from page 322, and this is the statement that was made, there being a desire to pass a bill and there being a proposal, which would interfere with the action of the committee, made by a person who was bribed in order to accomplish that end:—

"Mr. Hooker replied: He did not believe it at all, but referred Mr. Ward's client to Mr. Cockell (Arkcoll, Jones & Cockell), as having the conduct of the Opposition. Mr. Hooker informed Mr. Cockell of this fact, and the latter immediately spoke to Mr. Littler, and with his sanction arranged that, if Mr. Ward's client should call upon him, he would seem to entertain the proposal, and try to draw him out as much as possible, so as to expose the whole proceeding."

The matter comes up again on page 326 of the *Journal :*

"On the motion being made, and the question being proposed that Mr. Charles E. Grissell do attend this House to-morrow, at 12 of the clock, an amendment was proposed to be made to the question by leaving out from the word 'that' to the end of the question, in order to add the words, 'the special report from the committee on Group A of Private Bills be referred to a select committee' instead thereof."

Then at page 348 :

"Mr. Walpole reported from the Select Committee on Privilege (Tower High Level Bridge, (Metropolis) Committee), to whom was referred the special report from the committee on Group A of Private Bills, that they had considered the matters to them referred, and had agreed to make a report thereof to the House, together with the minutes of evidence taken before them."

At page 366 :

"John Sandilands Ward was then called in, and was addressed by Mr. Speaker in the following terms: 'John Sandilands Ward, your conduct in connection with the Private Bill relating to the Tower High Level Bridge, has been subjected to a patient and full enquiry by a select committee of the House. That committee have come to the conclusions which are clearly summed up in the last two paragraphs of their report to the House in the following terms: Your committee are unanimously of opinion that Mr. Grissell, in asserting that he could control the decision of the committee on the Tower High Level Bridge (Metropolis) Bill, and, in the offer he made to do so, was guilty of a breach of the privileges of the House. And they are also unanimously of opinion that Mr. Ward was cognizant of and assisted Mr. Grissell in the matter of this offer, and was likewise guilty of a breach of the privileges of the House. I have now to state, on behalf of the House, that the House is willing to hear what you have to say upon the matter.

John Sandilands Ward thereupon tendered an explanation of his conduct, and was directed to withdraw.

"*Resolved, nemine contradicente*, that John Sandilands Ward, having been cognizant of and having assisted Charles Edmund Grissell in the matter of his offer to control the decision of the committee on the Tower High Level Bridge (Metropolis) Bill was guilty of a breach of the privilege of this House.

"*Ordered*, that John Sandilands Ward be for his said offence committed to the custody of the Sergeant-at-Arms attending this House, and that Mr. Speaker do issue his warrant accordingly."

Then at page 435 :

"*Ordered*, that Charles Edmund Grissell, having evaded until the close of the session the execution of Mr. Speaker's warrant for taking him into the custody of the Sergeant-at-Arms, be committed to Her Majesty's Jail at Newgate."

Now, the reports are given, and although the person making the charge admitted and said, "I seemed for a time to entertain the proposal," we find that no word of comment is made on that conduct detrimental to the person, but that it was rather a matter of commendation that he allowed himself to be made use of to bring the persons to justice, and forward the action of the committee. I submit, therefore, that if your Lordships, the Commissioners, wish to consider this as a matter of morals it must be found in favor of those I represent. and that as a matter of law there can be no doubt whatever that there has been no offence, and that so far as the charge has been propounded it has utterly failed in evidence. Therefore, I submit that the Commission should find in favor of my position.

Mr. BETHUNE.—I am not so familiar with the details of the evidence as my learned friend Mr. Blake, inasmuch as I have not had the honor of attending all the sittings of the Commission. I am, however, by my connection with this matter in another form somewhat familiar with it, and I hope sufficiently familiar with every matter necessary for your Lordships' consideration in dealing with this branch of the case. Under our system we are ruled in this province by the House of Assembly as England is by the House of Commons. The members of the House of Assembly together constitute, as it were, the Governors of the Province. The members of the Administration, the executive for the time being in the province, are really a committee of the House of Assembly. We therefore get in the province the highest body both Executive and Legislative, because after all the Legislative Assembly is the real Executive body. I say, therefore, that a great crime was committed against the integrity and usefulness of that body, and I suppose, not very fortunately for us, has there occurred in any other part of this Dominion anything of the kind which, in point of gravity, at all equals it. It is, perhaps, though not punishable so severely as one would wish, the most serious offence that could possibly be committed against a free community. It has been established before you that as many as fourteen persons, members of that body, were attempted to be corrupted, and the very resolution which is put forward by Mr. Meredith, and which you have now under consideration, recognizes that fact. The very first statement is, that attempts were being made to corrupt members of the House. That is the recital, the basis upon which all the subsequent portions of the resolution rests; and if anything has been established beyond controversy it has been the fact that these attempts were made. That has not been denied by the learned gentleman who is leader of the Opposition in the Legislative Assembly, and who has brought forward this resolution to which he asks your attention. We, therefore, start with the fact that there has been this attempt made to corrupt members of the House. It is then said that the members of the Administration, who are primarily charged with the executive duties incident to the administration of justice in this Province have been blameable, if not within the purview of the criminal law, certainly within ethical law, for having done something to encourage those persons to persevere in their improper work. Now we know that neither on the grounds of positive law, nor on any ground of morals has it ever been considered objectionable in the administration of human affairs for the purpose of exposing felony or rascality to do things which perhaps in the ordinary affairs of life one might hesitate to do. We know that one-half the international affairs of the world are managed by means of a system of espionage—by spies, by informers—and that it is impossible in the present state of things that that can be avoided. We know that under municipal law a great percentage, perhaps one-half the convictions for serious as well as minor offences are based on the evidence of persons spoken of as informers, spies or detectives, and it has never, so far as I know, been thought improper to use such means. Indeed, half or more of the guilty persons who have been charged with crime would go unpunished were it not for the use of just such means as these. Now, starting with the proposition which this resolution recognizes, that these attempts had been made what really can be said to have been wrong on the part of the Attorney-General or other members of the Cabinet who openly say that they are equally responsible with him for what was done. Upon the Attorney-General devolves the serious and important duty of directing public prosecutions, and in this particular case he was not merely a director of public prosecutions in the ordinary criminal courts of the country, but he was at the same time the leader of the House of Assembly. He is informed, and undoubtedly did believe, that these attempts had been made, and that after all is the important part. He is informed upon evidence which, I think, will satisfy not merely your Lordships, but any person who has heard it, that these attempts had been made, that they were made for the purpose of corrupting members, and made at a time when there was a small majority supporting the existing Administration, made for the purpose of overturning that Administration, and made at a time when I dare say those persons who made the attempt had hopes of succeeding. These attempts are made—attempts for the first time, made against the honour and good name of the chief representative Assembly of the Province. What is the Attorney-General to do? What is his duty? His duty is, if possible, to expose and punish the offence in order, if possible, to prevent its recurrence—to prevent for all time to come any similar attempt being made to corrupt and bribe the proper representation of the people in this Province. How does he proceed to do it? Simply by waiting until the persons who had already committed the offence by their own conduct, had demonstrated in such a way as to be impossible to gainsay the fact of their guilt. That is everything the Attorney-General had done. My learned friend says that as a matter of honour he should have stopped—he should have gone and cautioned these people to give up their evil ways, and so on. Why, you might as well expect that a man should thus reason with a burglar who is breaking into his house. You might as well say that it would be reasonable on the part of a man who found a burglar in his bedroom to stay and reason with him. Here is an offence committed, as the Attorney-General and his associates had reason to believe—an offence committed, as Mr. Meredith now admits, to corrupt the members of the House. Had he any reason to suppose that if he stayed his hand these attempts would stop? Is it not fair to look at it from his point of view? What would he be likely to believe? Being told that these attempts were being made, would he be likely to suppose that if he tried to dissuade them by moral suasion they would be likely to abandon their nefarious attempts? One's common sense revolts against such a suggestion. The only thing which occurs to him to do is to take pains that the rascals should be punished, and would he not have been wanting in his duty if he had hesitated to do anything which would bring them to punishment? Now, what does the resolution say was his wrong? It says that these attempts being made to corrupt members of the House, members of the Executive induced members of the House to approach persons said to have been engaged in this work for the purpose of inducing them to make corrupt offers. In other words the charge is, that being told that A, B, C, and D had been approaching corruptly E, F, G, and H, they, for the purpose of supplying evidence of this conspiracy, listened to the offers which are made by these same promoters of corruption and took the money, which was offered them in order that they may be exposed. I say there is nothing wrong in that—nothing improper; I say that the motives with which the thing is done perfectly justify all that has been done. I say that, starting with the idea that it was the purpose of the persons who had discussed this matter with the conspirators to expose and punish them, there is absolutely nothing wrong,—there is indeed something in the highest degree commendable in their conduct, because it required a good deal of moral courage for a person situated as a member of the House like Mr. Balfour, for instance, is situated, to stand up for what he thought was right in spite of what his common sense must have told him would be the obloquy which would be poured on him for months by the partisan newspapers of the country. So far from his being censurable, his object being what is was, I say he deserves to be commended as a patriot, one who is willing that his own fair fame may for a time be smirched in order that the public good may result, and that this representative body of which he happened to be a distinguished member, should be purified. Now, my learned friend, Mr. McCarthy, in opening this case on behalf of the resolution, has boldly taken the ground that members of the Administration were themselves guilty of the criminal offence of conspiracy. That I deny, my Lord. I say there is no ground whatever for saying that there was any conspiracy on their part at all. I say that no indictment would lie. Take the strongest ground put forward by my learned friend, and I say it would not warrant any indictment being preferred against these gentlemen for any such thing as conspiracy. Conspiracy to do what? To bring to justice persons guilty of crime. I have yet to learn that that can be called a conspiracy. It is said that you can be guilty of conspiracy for doing in an illegal manner a perfectly legal act. One does not find many instances of that, but I say neither the act itself of bringing to justice these people for an offence of which they were undoubtedly guilty, nor the manner in which it was done can be open to the slightest imputation, so far as the members of the Administration are concerned. Now, my learned friend reads a portion of an extract from an article in the *Albany Law Journal* on the subject of "Decoys," but it is fair to read the whole of it. The extract is only in qualification of something in the article. The extract refers to an article on a similar subject by Mr. Wharton. The laying of traps to detect criminals, although such detection involves the commission of a new or the repetition of an old offence is not illegal. The commonest example of this is putting a marked coin in a till from which a servant is suspected of pilfering. To show you how far even in the earliest times that sort of thing has gone, I refer to a case, the King *vs.* Holden *et al*, reported in 2 Taunton, 334:—

"These defendants were severally indicted and tried and convicted before Chambre, J., at the Lancaster summer assizes, 1809, for knowingly disposing of forged bank notes. The form of the indictment was the same in each case. The first and third counts in each upon which no evidence was given charged actual forgery. The second count in each charged that the prisoner, on the 15th day, etc., with force and arms at R., in the county of Lancaster, feloniously disposed of and put away a certain false, forged and counterfeit bank note, the tenor of which was as follows: (exact copy set out) with intent to defraud the Governor and Company of the Bank of England. He, the prisoner, at the time of his so disposing of and putting away the same forged and counterfeit bank note, then and there well knowing such last mentioned note to be forged and counterfeit against the form of the statute, etc., etc. The fourth count differed from the second only in describing the forged instrument to be a 'promissory note for the payment of money,' instead of calling it a bank note. In the course of the evidence it appeared that the notes in question were disposed of to John Shaw and James Whitehead, the principal witnesses against the prisoner, who in consequence of a great number of forged bank notes having been circulated in the neighbourhood, were employed by the magistrates, with the approbation of the agents for the bank, to detect those who were suspected to be utterers. . . . . The prisoners did not pay the notes to Shaw and Whitehead as genuine; but those persons, for the purpose of detection, applied to the prisoners as supposed dealers in forged bank notes to purchase them; and the prisoners accordingly procured them and sold them as forged notes; so that Shaw and Whitehead were not deceived nor defrauded in any of the instances, nor were any of the prisoners the first movers in the transaction they had with the witnesses. Neither did it appear by any direct evidence that either of the prisoners, when he was first applied to, had any of the notes in his actual possession; but they respectively produced them at meetings which took place subsequent to such first application. The rest of the evidence was full and satisfactory, and the four first-named prisoners were convicted without any objection being taken to the form of the indictment or to the sufficiency of the act to constitute the offence created by the statute; but on the trial of Draper, it was objected on his behalf, first, that the indictment was insufficient as being too general where stating in what manner and to whom the notes were disposed of and put away; secondly, that the disposition of the notes established by the evidence was insufficient, inasmuch as the prisoners were solicited to commit the act proved against them by the bank themselves by means of their agents. On this point the prisoners' counsel referred to the case of MacDaniel and others, 10 State Trials 432, etc. Chambre, J., overruled the objection, the convicts received sentence, but the learned Judge thought it proper and respited the execution in order to take the opinion of the Judges upon the objection. . . . The Judges did not afterwards pronounce any opinion, but the prisoners were executed according to their sentence." Now, there is a case involving every proposition for which my learned friend contends. But he goes further than the resolution, because, as I have pointed out, the resolution is based on the proposition that these attempts were made. My learned friend says the offence was not completed, and you egged them on to complete it.

He relies for that purpose on the evidence of the learned County Attorney. But here is a case where no offence was committed until the particular offence of circulating this very note which, by the direction of the magistrates, was put into circulation for the purpose of bringing to justice persons suspected of indulging in that offence; and though they hanged people then for offences for which they would not be hanged now, one cannot help looking at the case to see that the point had received great consideration. They had at that day, as they nearly always have had in England, men of the highest distinction in England on the bench. Sir James Mansfield and Mr. Justice Lawrence were, with the other Judge, all distinguished men in their profession.

One could hardly get a stronger case than that. But let us take another—the case of the King against Joseph Ady VII., Carrington and Payne. "The defendant was indicted for a misdemeanor under the statute VII. and VIII., George IV., c. 29, s. 53, for obtaining a sovereign from the Rev. Francis Tebbutt by various false pretences set out in the indictment. The prosecutor, a clergyman, accompanied by Mr. Haymand, a magistrate, went and saw the defendant in consequence of the following letter which had previously been received:—

"April 25th, 1834.

"The undersigned is able to inform you of something to your advantage, value £250 on payment of 20s., by post or otherwise, for his trouble.

"Yours respectfully, etc.,

"JAMES LAURIE, Accountant,
"11 Circus, Manories.

"No letters unless post paid."

The defendant said that James Laurie was his partner and was brother of Sir Peter Laurie, late Lord Mayor, neither of which was the fact. Mr. Haymand paid the defendant a sovereign, upon which he gave him a paper containing some information which turned out to be useless, and the following receipt: "Received, 10th July, 1834, of Mr. Tebbutt, £1 for information annexed, which fee I promise to return in case no benefit results." At any rate the defendant refused to return the money. For the defence an endeavor was made to show, by the cross-examination of the witnesses for the prosecution, that the prosecutor and his friends went together to the defendant, well knowing who he was, for the purpose of making evidence to support the case against him. Patterson, J., in summing up, said:—

"The indictment charges the defendant with the offence of obtaining money under false pretences. It is framed upon the Statute VII. and VIII. George IV., C. 29, s. 53. It is necessary that you should be satisfied that the defendant obtained the money under the false pretence mentioned in the indictment. It is not necessary that all the pretences should be false. If you believe that any one of them is false, and that the mind of the prosecutor was operated upon by it, then you will find the defendant guilty. If I understand the defence set up it is nothing more or less than this, that a conspiracy existed between the prosecutor Mr. Tebbutt, the clergyman, and Mr. Haymand, the magistrate and foreman of the Grand Jury, to entrap the defendant into the commission of the offence. You will judge for yourselves upon this whether it be so or not, but still if the defendant did obtain the money by false pretences and knew them to be false at the time, it does not signify whether they intended to entrap him or not. In the tenth *Federal Reporter* by Mr. Wharton, the same author who wrote the book on Criminal Law, p. 97, there is an article on the subject of Decoy and Solicitation, in which the same ground is taken in the extract which I read, and he points out at page 98 that the Molly Maguire rioters, who in the year 1876 burned all the Railway property in Pittsburgh, were only brought to justice by persons joining their Association. He says:—

"One of the most nefarious and infamous conspiracies ever known in this country—that of the Molly Maguires in 1876 to coerce by assassination the coal proprietors of the Pennsylvania anthracite region—was exploded, and the chief perpetrators brought to justice by the sagacity and courage of a detective, who attended the meetings of the conspirators and thus became possessed not only of their plans but of their exploits in the past. The fact is that there is no crime which is not committed under the influence of some sort of decoy; and to acquit in all cases where the offender is incited to the crime by some instigation of this kind would leave few cases in which there could be a conviction If the decoy is not intentional it may act by the way of negligence ; and if an intentional decoy is a ground for defence, so should be a negligent decoy. But it is now well settled that contributory negligence, unless breaking the casual relation between the offender and the offence is no defence."

Then he points out the exception, which is the exception in Wharton's book :

"The only exceptions known to the principle before us exist (1) in cases in which to the offence it is essential that it should be 'against the will' of the party injured ; and (2) in cases in which the offence consists of certain physical conditions which cannot exist if the trap be laid."

Now, I say we might rest our case upon that, for undoubtedly there was the intent to commit this offence long before the matter came to the notice of the Attorney-General and his associates. He goes on :

"A trap laid by which the defendant previously intended the offence is tempted to proceed with it in such a way as to lead to exposure is ordinarily no defence. . . but if the prosecutor in setting the trap waive his legal rights the prosecution fails. Thus, if he surrendered absolutely his property in the goods which were taken from him he cannot maintain larceny or embezzlement ; if he left the house door open he cannot maintain burglary ; if he implicitly permitted the defendant to write his name he cannot maintain forgery ; if he consented to be robbed in order to prosecute the robber he cannot maintain robbery."

Because you have in all these cases the fact that it is against the will of the owner of the property.

"But if on the other hand he simply left marked property in such a position that if stolen it could be identified, or if while keeping his door fastened he put out the lights and collected a party of armed friends to seize the expected burglar, or if he sent a detective under the disguise of an accomplice to obtain counterfeit money from the counterfeiter, here the existence of these traps forms no defence."

The CHAIRMAN.—That is to say there must be the *mens rea*.

Mr. MCCARTHY.—And there is—there must be the act.

Mr. BETHUNE.—Of course mere intent does not constitute crime *per se* because even in a conspiracy, there must be some overt act in furtherance of it. You cannot get them together to form a confederacy without some act being done. A very instructive case on this point is the decision of the eighth Circuit Court of the United States *v.* Dillan Circuit Court reports, p. 35, the United States *vs.* Whittier. The indictment failed, for though the publication was transmitted by a detective for the purpose of trapping, and while the judge was satisfied that the person had been induced or trapped to send it, and while morally the person was guilty, the judge could not say that it came exactly within the class of cases mentioned in the statute. Horton while fully conceding the respect due to Judge Dillan's decisions, disputes the propriety of his decision in this particular case ; he says that it was wrongly decided. Now, in an Indiana case I find a reference to an English case, in which an invitation to commit a burglary is considered. It is in 18 Indiana Reports, p. 386. The cases were Thompson *v.* The State, and French *v.* The State :

"Where the proprietor of a building in which a burglary is committed, and his servants are previously advised that the crime will be committed and make no effort to prevent its commission, but provide a force to secure the arrest of the burglars, the liability of the burglars to punishment is not thereby changed."

There was a conviction in this case, and the Judge in dismissing the appeal refers to an English case, Regina *vs.* Johnston, 41 English common law. In that case the servant of Drake pretending to agree with the defendant opened the door and let him in to commit a robbery. He was arrested before he did anything. The court held that it did not amount to a burglary because the entry had been lawful in consequence of the servant having opened the door. The Judge proceeds; "In the case at Bar. there is nothing showing that the owner of the property consented to the commission of the crime unless his remaining passive so far as their contemplated proceedings were concerned, and failing to take any measures to prevent the breaking and entering should receive that construction. The witness Frost was not his servant. He made no agreement with him by which he was to bring the defendants there. He merely arranged to let Frost know if he had done so for the rest of the men, if they did break in to rob the store. He didn't furnish the means by which they might enter. That entrance was by breaking. There was therefore no evidence tending that the breaking and entry were by the procurement of the owner; and for that reason the construction asked was rightfully refused, and that given was proper." Now, these cases I have cited from the criminal law authorities of both England and the United States, seem to leave no manner of doubt, that except in the single case of crime as to which the consent of the owner of property is requisite, with that single exception, the mere fact that a man may be inveigled into the commission of a crime is no excuse for him. I think it will be found that the case in the Scottish Law Reporter will be found to turn on some peculiar principle of Scottish law, with reference to receiving confession, and things of that kind. I have not been able to get any light on that subject, but I fancy it will be found that it is owing to some peculiarity in the system of criminal procedure in Scotland which differs so widely from that of England; but English and American procedure certainly go on the principle such as I have endeavoured to enunciate to your Lordships. It is quite clear, I think, that you are not to judge of the deeds of the members of the Executive, but by the question of what may have been the effect at the time. The important thing to deal with in such a matter, is what did they believe. They are the persons who put the criminal law in motion, and the question is not what actually had occurred but what had they reasonable ground to believe. They were not trying the case; they could not determine the absolute guilt or innocence of these persons; but the question is whether the state of things presented to their minds was such that it would reasonably lead them to the belief that this crime had been committed. The Attorney-General and other members of the Administration have pledged their oath to that fact; and I apprehend from the fact, that my learned friend said he was willing to take the statement of the Attorney-General on that point, that he feels that what he stated is incapable of contradiction.

Mr. McCarthy.—On what point?

Mr. Bethune.—That they believed that the offence had been completed.

Mr McCarthy.—But they do not say so.

Mr. Bethune.—I understand that Mr. Mowat pledged his oath that he believed that the offence had been completed.

The Chairman.—I think he said so.

Mr. McCarthy.—He knew that one man could not make a conspiracy.

Mr. Bethune.—Of course I am judging from what I have heard from my honourable friend who preceded me as well as from the reports published in the daily papers yesterday and Saturday.

The question was asked:

Q. "I understand that the only reason why you delay taking proceedings for two months against the parties alleged to be concerned in the conspiracy was because you had not proof complete to go before the committee of the Legislature or before the Courts?

A. "The first attempts to bribe made during the debate came to an end. So far as I am aware those attempts were not resumed for some time afterwards. . .
No doubt the reason why a statement was not made to the House the moment they were known I imagine was in the public interest it was deemed desirable that there should be sufficient corroborative proof of the guilt of these parties. I don't know that that was spoken of, to myself, at all, but I believe that was the course adopted. I quite approve of that. . . . . . . . . . . . . . .
That was the impression, at all events, made on my mind by reading his evidence as published in last Friday's paper, that he thought the offence had been completed. I find the following in the evidence given last Thursday :

Q. "You were waiting till the bribery was consummated by the acceptance or receipt of a sum of money?

A. "The crime, as I understood it, was in conspiring to bribe and the offer to bribe. The delay may have been to have corroborative evidence. Without corroborative evidence the matter might have depended on the statement of those whom it was attempted to bribe. The guilty parties would no doubt swear it is all untrue, and in the interests of justice it was necessary that confirmatory evidence should be secured if there was any. How can anybody doubt that in fact the crime was committed? But it is not necessary for us to go so far. We must deal with it from their point of view, from what they suppose to be the facts. It is a question of whether they, as reasonable men, would have thought that this crime either had been committed or was just imminent to be consummated by the payment of money. Now, it seems to me that one would say without the slightest hesitation that if they had acted precipitately, if they had gone and given warning to the offenders, they would have been doing a very improper thing. What would be said if the Attorney-General wrote a private note, as has been suggested, to one of these people that he thought they were guilty of forming conspiracy, and telling them that they should not go on with it. "Remember, Mr. Bunting and Mr. Wilkinson, I have information now that you have formed this conspiracy, but do, like dear good fellows, put an end to it and don't trouble me to prosecute you. I have the information, and if you go one step further I will bring you to justice."

Just imagine such a course being taken by a man whose duty it is to punish a serious crime. Would not every man say he was not fit for his position, that he must be a born fool to deal with criminals in this way. But he must either, according to Mr. McCarthy, do what I have suggested, or, on the other hand, do his duty, and get proper evidence to convict them of this serious offence. So, I say, therefore, that there was every reason for a reasonable man to assume the truth of the statements made to him that this crime had been committed. It merely amounts to this, then, that they said to the persons approached, and who they knew never intended to accept the money, go on until you get evidence of this crime having been committed, and then expose the whole thing. My learned friend has called your attention to a common experience among those judges who have tried election petitions, and we know that there are hundreds of such cases which fail just because A. B. is called, and says that C. D. offered him a sum of money, and then C. D. comes forward and says it was all a joke. In West Northumberland, Roddy Pringle made a bet, which apart from the learned judge's finding, would undoubtedly have been taken as a bribe. The judge says, no, that was an honest bet; so that there is always an attempt made when the act is not consummated to evade the question; and for this reason the English judges have laid down a canon of construction in the administration of the Act. Supposing that the matter went to trial after the money being paid, people might try to convince and might succeed in convincing a jury that the whole thing was a joke, that they had been having a glass of liquor together, and that like Mr. Meek about the solicitorship of the company, they were only joking. Now, is the Attorney-General blameable, being a cautious man, having had large experience in the administration of the law, he says we have reason to believe that these people are guilty, and I am not going to venture on a public prosecution which shall fail for want of proper evidence. I know that they do not intend to stop in their nefarious designs; let them go on, appear to take the money, and hand it to the Speaker of the House. I submit that there can be nothing illegal or even blameworthy in what they did. It seems to me that so far from that, if they had taken another course, if they had dilly-dallied with the matter, if they had been afraid to take the responsibility of exposing and punishing the offence, it would have been said, and said justly, that they were poltroons and cowards, afraid to do their duty—a duty which was, perhaps, as unpleasant to any one of these men as any act of their lives, but a duty which they did perform, and one which I think your Lordships will say they ought to perform.

Mr. McCarthy.—I do not think that anything that has fallen from my learned friends at all displaces the statement of facts which I gave. On the contrary, it rather strengthens the position which I ventured to assume. It seems that McKim's explanation, which I did not introduce before, is this:—"I understood from what Wilkinson said that an attempt would be made to destroy me by weight of evidence, and in order to secure evidence and support my case, I introduced him to these three members, Dowling, Balfour and Lyon, and told him they were men who could be approached in a particular way." Instead, therefore, of anything my learned friends have said weakening the extracts I gave, I venture to say that taken with McKim's declaration it greatly strengthens them. I forgot, however, to mention two facts in my first address bearing upon this point to which I now desire to call the attention of the Commission. One is in regard to Kirkland. McKim admits that as to Kirkland that he (McKim) was the first man that spoke about money, that Kirkland did not offer him money, but that he was the first to suggest it himself. With regard to Lyon also, he says that the offer which was made to him—the proposition that if he would support the Opposition and vote against the Government, his petition would be withdrawn—came first from him (McKim). Now, I add these facts, which your Lordships will find in evidence before this Commission. I do not refer to the Police Court report. I add these as showing conclusively that McKim was the active agent in working this scheme. Now, it does not at all weaken these admissions, which were dragged from no willing witnesses—from Mr. Pardee, Mr. Hardy and their colleagues—to read that at other places they made contradictory or various statements. My learned friend, Mr. Blake, thinks that they have disproved that Mr. Hardy and Mr. Pardee made the statement, because they may have in another place made another statement. On the contrary, the obvious inference to be drawn from that circumstance is that they are not consistent in their evidence, and that that which is in their favour in such contradictory evidence must be rejected, more especially as the statement which I maintain to be the correct one is in accordance with the original statement made to the House. So much for the facts, and now as to the law. I think if your Lordships will look at an article in our own Canadian *Law Times*, in the current volume, No. 7, I think, page 224, you will find that the authorities have been collected and the reasons for them given. But after all does not the question of law come to this, that you must not in any way in order to convict a person of crime, or in order to bring home guilt to the accused, become a participant in that crime. You may lay what traps you please. If you know, for instance, that a man is going to steal from your till, you may put marked coin into it in order to identify the money; but you must not participate in his crime, and you are not doing so in that case. You simply know the fact; you believe he is going to steal and you try to fasten the guilt upon him. But you must not hand him the money, for if you do, you become a participant; you must not force the money into his possession. If you do any of these things, you participate in the crime, or else you admit it ceases to be a crime. If a man is going to commit a burglary and you know it, you must not leave the door open. You may stay in wait with arms, and come upon him for the purpose of trying to prove the commission of his attempt; you are not bound to frustrate his attempts to enter, but if you in any way assist him or participate with him, then you nullify the crime so far as he is concerned, and you may possibly become on the other hand an accomplice if it be a crime. Now let us come back to this particular inquiry. My learned friend, Mr. Bethune, has spoken a good deal about a conspiracy in criminal law, about the evidence to support it, about what was the duty of the Attorney-General and so on. But I understood from one or more of your Lordships yesterday that this was not a matter of investigation—that it was not an inquisition to find evidence in support of a criminal charge. I understood one of your Lordships, Judge Senkler, at least to repudiate that idea and to hold that the inquiry could not be used in any other way than by the Assembly; that the inquiry is made for the use of the Assembly on behalf of the Assembly, in pursuance of the resolution passed by the Assembly for the purpose of punishing an alleged attempt upon the independence of Parliament. Probably your Lordships will remember that it has been held that without special legislation these Assemblies have no power to punish for a breach of what is called parliamentary law, that it has been decided in several cases that the common law of England, which has grown up in that country and which vests in Parliament the right to punish for contempt was not vested by the constitution in any of the provinces or colonies. That power was subsequently given by legislation; it did not exist, and, therefore, express provision is made by the law of the Province that any attempt to bribe a member shall be an offence against the law of parliament, and shall be punishable by imprisonment. Let us see what this amounts to, for that is really what you have to deal with. McKim, we will say, has been approached by Wilkinson. I quite admit that at that moment—at the very moment the approach was made the offence was complete. I quite agree with the Attorney-General on that point. The very offer to bribe a member of the Assembly was an offence punishable by that Assembly; and upon the statement of that fact it is proper that the person should have been summoned to the Bar, and if a committee or the House was satisfied with McKim's statement uncorroborated by other evidence, he could have been committed for that attempt in spite of his denials. I venture to say that if an offer was made to bribe McKim, that would have been the dignified and honourable and proper course for the Government to call upon the House to take. How could it add to the dignity of parliament, how could it prevent it from being degraded, how could it reflect credit upon us as a free community, to afford opportunities to men who are bad enough to approach members of the House to carry out their objects. No person suggested the ridiculous argument to which my learned friend, Mr. Bethune, has replied so ably that the Attorney-General should have written a private note to these men asking them to stop, and telling them that if they did not they must prepare for prosecution. On the contrary, what I do venture to suggest as the proper course for them to have taken was at once—there being no misunderstanding as to the offer being made—to have called the attention of the Speaker and the House so that parliament might punish the crime in a way known to the rules and laws of parliament. But what was done? The leaders of the House representing the views of the majority and to that extent the views of the House say, "We will go on; we will invite this attack upon our honour; we will facilitate in every way this attack on the independence and dignity of Parliament." Why, the very mention of that shows that it was impossible afterwards for Parliament to punish these men, and that they really instigated the attack. And just as a female cannot prosecute for an attempt on her virtue if she admits it, so Parliament, which by the authority of those who were leading the House authorizes the acts which were done by McKim in order that their honour might be assailed, cannot now turn round and say, "You are guilty of a breach on the independence of Parliament for doing what we were leading you to do and coaxing you on to do." A man cannot say he is insulted if he invites another to give the insult. How can he complain if he invites it? The leaders of the Assembly, whom we must treat as the Assembly, because they guide its actions—supposing that they closed the doors of the House and passed a resolution authorizing some of the members to go and invite Wilkinson, or Bunting, or Meek, or whoever was engaged in this work to offer money; to coax them to pay this money and induce every man likely to fall into the trap, and then said, "We will turn round and punish them"—treating it in that way, from the point of view of an attack on the honour of Parliament, it can only be made against the will of Parliament, and not, as happened in this case, with the consent and invitation of the leaders of the House. I do not mean to say that, if one member consents to do this, it is a breach of the law, but if Parliament itself consents to it through its leaders, and invites these improper advances, it cannot afterwards complain that they have been made. That is the case from that point of view, and it is a complete answer to anything that can be said from the other side. But supposing we treat it from the standpoint of the criminal law, how does the matter stand? It must be treated in this way: either it was an offence or it was not. Either the alleged approach in February was a complete offence or it was not; what was done in March was no proof of what was done in February. Either that was complete then, or it never was made complete subsequently. These were subsequent offences—subsequent breaches of the common law, if they are within the purview of the common law, but I say this was either an offence or it was not, and if it is an offence, it takes two to make it—the man who offered the bribe and the man who accepted it. In that point of view, if a bribe was given, all those gentlemen are accomplices, if not, then where was the object and where does the matter stand? Even that charge rests on quite a different ground. Technically speaking, I think it would be a perfectly good answer in an election case that, A B, who is charged with bribery, was induced to bribe by some supporter of the opposite candidate who asked him to do so. No election could be set aside upon such testimony any more than in that Scotch case. I say that if a candidate knows that a man is going to bribe for the other man, if he puts on a spy for the purpose of getting evidence of the offence, if that person should say, "I understand you have money to buy votes, and I am willing to sell mine," and he does that without any design of being bribed, I say there is no offence committed because it takes two to commit the offence. But this is a different case. The present is a charge which involves the Administration in the violation of the law of parliament and the law of the land. We say that these men, instead of preventing members of the House from being degraded and insulted, actually degraded them and persisted in their making themselves instruments of their own dishonor and disgrace. I say that, in parliamentary law, that was a conspiracy on the part of these men—not to secure testimony as to another unlawful act—but themselves to do an unlawful act. It was an unlawful act to bribe, and, therefore, unlawful to coax or facilitate or induce men to bribe. If what was done by McKim was inducing Wilkinson and the others to bribe him—and it cannot be doubted, he induced these men, he suggested that the money should be offered to him; suggested that Lyon's election petition should be withdrawn—can it be doubted that he did, actively and perseveringly, induce these men to bribe not merely him but other members of the House; and, if so, was that an offence or not? Can any justification be found in any work on criminal law or in any judgment? That undoubtedly was an offence, and, if so, the only other question—and I shall not occupy your time by referring to the evidence—is this: Were the four members of the administration charged here to-day, were they either by means of their knowledge, by their directions, or by means of that rule of law to which I have already adverted, were they confederates with McKim, bound by the acts of McKim? I do not hesitate to say that the charge as made is not only complete in fact but established as a matter of law. Let us see what the second and important part of the charge is. The first part is based on the fact that attempts were being made to bribe members of the House and that the administration became aware of it, and both sides are agreed on that proposition. The second part of the charge is, that these members of the administration induced members of the House to approach persons who were said to be engaged in this work or bribery. Now, literally and truly, is not that proved? Who induced Dowling to go to Mr. Bunting? Who persuaded McKim and acquiesced in his going to Mr. Bunting? Who brought Balfour and Lyon and Dowling to Wilkinson and to Kirkland? is not that proved in the very terms of the charge in which it is made? and whether the other part of it was so proved or not is not material. The gravamen lies there. The offence is established, and the question is, whether it amounted to an offence against the common law of the land or the law of parliament, and I think in either one part or the other it amounts to an offence.

At 1.15 the Commission adjourned for half an hour.

Upon resuming,

**Samuel C. Boyle**, called by Mr. McMichael, and sworn—

Q. Where do you live?
A. In the Township of Peel.

Q. In what county?
A. Wellington County.

Q. Do you know Mr. McKim.
A. Yes.

Q. How long have you known him?
A. Quite a number of years—perhaps twenty years; it may be more or less.

Q. Do you know anything of his reputation for veracity?
A. Well, I know considerable.

Q. Where do you live?
A. In the Township of Peel.

Q. How far from McKim?
A. I think about seven miles, perhaps more.

Q. Do you know his reputation for veracity?
A. Yes.

Q. From what you know of his reputation for veracity, would you believe him on oath?

A. Well, if it was a matter in which he was interested very much, I would have my doubts.

Q. That is from his general character for veracity?
A. Yes.

By Mr. **Blake**.—Q. What is your occupation?
A. Farming.

Q. Have you lived in that neighbourhood for some time?
A. Since I was a boy.

Q. You never have had any difficulty with Mr. McKim?
A. Well, I would not say that.

Q. You would not be believed on oath if you were to say that you hadn't?
A. I would not like to say anything untrue.

Q. You would not like to say it—unless you were going to make something of it?
A. Well, there is nothing of that kind in this case.

Q. You have had a difficulty?

A. Well, I have had a little trouble; he has been connected with some trouble that I was connected with.

Q. When did you have the trouble with him?

A. About two years ago, I think, something about that: but I cannot remember the date.

Q. What was the nature of the trouble you had?

A. Well, in the first place, McKim had agreed to get a reduction on a farm of land we owned on another concession. He got the papers and got them filed here, and brought a statement from the Crown Lands Department of $278 and some forty cents, and there were four instalments paid on it at that time. Of course McKim said that was the lowest possible thing it could be got for.

By the CHAIRMAN.—Q. For what?

A. For this lot of land.

Q. A Government lot of land?

A. Yes.

Q. He said that there was $278 due?

A. Yes.

Q. And that was the lowest price it could be got for?

A. Yes.

By Mr. BLAKE.—Q. Well?

A. I was not very well satisfied, and my father called at McKim's, and McKim told him——

Q. Well, tell us what you decided—never mind your father?

A. Well, we thought we would see something more about it, and I went to the Crown Lands Department and got a statement that $54.40 would get out the deed in place of $278 and some cents.

Q. Some payments had been made on the lot?

A. Yes, four instalments had been paid.

Q. And $278 was the price of the lot?

A. Yes, with the four instalments.

Q. And there happened to be four instalments paid which left $54 due?

A. No, McKim's statement said $278.

Q. Yes. I say that is what was the purchase money if the instalments had not been paid on it?

A. No, you do not understand me—$278 besides those instalments.

Q. Well, how many instalments were to be paid on the lot?

A. Ten, altogether, and four were paid.

Q. Was it the ten made the $278, or the six?

A. It was the six.

Q. And were there six instalments due?

A. Yes.

Q. And they made $278?

A. Yes, by McKim's statement.

Q. And you went to the department and found what?

A. I found these instalments were paid; I do not know the numbers, but I think four were paid, and I found I could get the lot for $54.

Q. Was that one of the lots which was reduced in price?

A. I think all unpaid amounts were reduced.

Q. It was a re-valued lot reduced in price; the original price would have been $278, and the re-valuation was $54?

A. No, I think it would have been a little more than that.

Q. Was that all connected with that difficulty of yours?

A. Well, we talked the matter over at the municipal nomination, and McKim had been saying what he had done for the ratepayers in that part of the country, and some one said I was not very thankful for what he had done for me.

Q. Was not that true that you were not thankful?

A. No, I was not thankful.

Q. Well, that was true; was there anything else?

A. McKim said it was not true; that I didn't get that reduction for the $54, and that I was telling a falsehood.

Q. So he thought you paid $278?

A. That was what he said.

Q. You have no reason to doubt that?

A. Well, I cannot say any further than that.

Q. So that afterwards it was represented you should be thankful for what he had done, and he stated that he hadn't done anything, that the $278 was the price, and that you paid that?

A. Yes. and pulled out a hundred dollars, and said he would bet that I was stating a falsehood—that I was getting it for that price. I had the statement along, and I pulled it out, showing that I got it for that price.

Q. Have you the statement with you?

A. Yes.

Q. Well, we will get at the bottom of that?

A. Will you return it.

Q. Oh, yes, we will preserve it sacredly. This was the original statement?

A. That is the one McKim gave me.

Q. This is the statement, May, 1873, signed by Mr. Johnston, the Deputy Commissioner, saying, "that $278.40 was due." You got this other statement yourself?

A. Yes; McKim's was in the spring and this in the fall.

Q. We would call it winter?
A. Well, it was in January.

Q. This shews $54.40?
A. Yes.

Q. Did you get that at the office?
A. Yes.

Q. You got it yourself?
A. Yes.

Q. You produced that at the municipal election, and he produced the other?
A. I produced the two.

Q. McKim had left you these?
A. Yes; he sent his by mail and I got it.

Q. Anything else passed?

A. He bet $100 that I was telling a falsehood, that between the two statements I did pay the money on this land. I told him I hadn't, and further that I hadn't a hundred dollars in my pocket, and was not a character that cared about betting anything. The township Clerk pulled out his pocket book and said, "Here Boyle, here is a hundred dollars I will lend you." We put down the money and agreed that it should be put in the township clerk's hands. I went in afterwards, but he was not at home, and I went again to the council meeting at Goldstone. I saw him, and he said McKim had got the money from him, stating that there would not be anything more about it, that he would bring a statement from the Crown Lands Department and make it all right to the ratepayers in a few days.

Q. When you went to pay the money down he would not take it, but told you that the time had passed, and that it was too late?

A. No; he said McKim had come and said there was nothing more about it.

Q. How many days after was it that you called?
A. A few days—perhaps nine or ten.

Q. Had you been to Toronto in the meantime?
A. No, I don't think I had.

Q. Just try and think?
A. I don't think I had.

Q. Had you written?
A. No.

Q. Had you sent there?
A. Well, there was a friend of mine there.

Q. Now, why don't you tell me the whole truth; you sent a friend who investigated, and you were willing to put up a hundred dollars?

A. It was put up there and then; when McKim pulled the money out of his pocket, the township clerk said, here Boy——

Q. You hadn't the deposit yourself?
A. I got it from the township clerk.

Q. It was not your own money; you borrowed it?
A. That would not make it not mine.

Q. You borrowed a hundred dollars and put it with the township clerk?
A. Yes.

Q. And meantime you got a hundred dollars of your own?
A. Yes.

Q. And you went to the township clerk to repay him?
A. Yes.

Q. But in the meantime, you had sent a friend to Toronto?
A. A friend of mine said he would make inquiry.

Q. Are you a Scotchman?
A. I don't know that.

Q. Because it was a long-headed thing to do. You went to the department to see if the account was right, and then paid the hundred dollars?
A. I had it here.

Q. Did your friend fetch you a further certificate?
A. He brought a statement.

Q. Is this it?
A. Yes, that is the statement in full.

Q. What was the amount due according to this?
A. There is $20.40 interest and $34 principal, making $54.40.

Q. That doesn't exactly make it according to the statement?
A. Yes, that is the same as the statement.

Q. You got that on the 17th of January, 1882?
A. I got this in order that when McKim had his statement I would have one too.

Q. Was there anything further about that than what you have mentioned to us—about this deal between you and McKim?
A. Of course, the thing was over then.

Q. So that the essence of that seems to be that there was $278 due, and you thought there was $50 due, and he was willing to pay $100 that his statement was correct?
A. That I was making a false statement.

Q. Oh, the nicer way would be the other way of putting it?
A. I am putting it as McKim's statement.

Q. What was the next difficulty you had?

A. Of course, McKim appeared to be a little up about that, and he was watching for a chance. He got his back up, and was watching for a chance; he was Reeve of the township.

Q. Did you get your back up?

A. I don't know that I did.

Q. You don't know that you didn't?

A. No, I did not.

Q. What defensive or offensive armour did you put on?

A. I did nothing but what a legal gentleman told me.

Q. That was the defensive armour you put on?

A. Yes.

Q. Well, you could not put on better. So you were both prepared for the fray. Where did you have the next encounter?

A. At Glenallan.

Q. A very good place; had you a sanguinary combat, or how?

A. McKim took me with a pathmaster to a magistrate's court.

Q. For what, sin?

A. They had dug a ditch.

Q. Who had?

A. The pathmaster turned a water course which I knew would do me an injury.

Q. And Mr. McKim was Reeve at the time?

A. Yes.

Q. And they turned a watercourse which you thought would be an injury?

A. The pathmaster did it by his consent.

Q. Why do you say that?

A. Because he went to the magistrate's court and fished the thing up all he could.

Q. Then they fished you before the magistrate's court—why?

A. I went to a legal gentleman and asked his advice, and he said to me to plough a small portion and cut it wider, so that the water would run in its original course.

Q. You were going to turn it out, they turned it in, and you were going to turn it out again?

A. Yes.

Q. So the pathmaster brought you up at the suit of the township of Peel, and you came before the magistrate's court, and what had you to do?

A. The magistrate dismissed the case.

Q. What was the reason; was it not that you could not go into the question of the title of the land?

A. He thought there was no occasion for such a thing at all.

Q. Are you sure that was the reason ; is the magistrate here?

A. I think not.

Q. We could easily get him?

A. Yes, you could find him.

Q. Was it not that there was a question of title of land, which he could not or would not hear?

A. There was no question of title brought up.

Q. What is the reason he dismissed it?

A. He put out the case: he thought there was no ground for it.

Q. Did you get the costs connected with it?

A. Well, of course, each one paid his own costs.

Q. So he dismissed you both?

A. At least I paid mine, and I suppose McKim was all right ; he had the township behind him.

Q. You do not know whether he paid it or got it out of the township?

A. I am aware that he got it out of the township.

Q. You had been watching him ; was it then you got your back up?

A. Well, I don't know.

Q. Were these the two reasons that turned you against him?

A. Well, we took it further to another magistrate, Mr. Gross ; we were nothing out of pocket.

Q. Did you get the costs the second time?

A. No, Mr. Gross sent it to Guelph.

Q. And you followed it to Guelph?

A. Yes.

Q. And what came of it there?

A. It cost the township between $300 and $400.

Q. What became of it there?

A. It got lost there somehow.

Q. You, or the township?

A. Well, the township paid, I think, between $300 and $400.

Q. What did you pay?

A. I was fined $10.

Q. Oh, I see ; well, they did get something out of you?

A. A little.

Q. Sufficient to make you reasonably sore?

A. No, $10 would not affect a person a great deal.

Q. But to a certain extent it would affect you?

A. Well, $10 wouldn't get my back up.

Q. Didn't you pay the costs of the lawyer who advised you?

A. Well, he and I settled the matter amongst us.

Q. How did you do it?

A. I don't know that that has anything to do with it.

Q. It was Mr. John Jacobs?

A. Yes.

Q. Yes, we have heard of it. That was the end of that?

A. Oh no, it was my turn then. Of course the water came down and done a good deal of damage, and I sued the township for $100 damages.

Q. It was Boyle against Peel this time?

A. Of course the pathmaster; at any rate the jury gave it against them, and I got damages in full, except $10—costs in full.

Q. Anything more?

A. That is all.

Q. Were they paid to you; it was against the township?

A. Yes, against the township and the pathmaster.

Q. You didn't add McKim into it?

A. Well, McKim left before that?

Q. He got out of it so you could not get at him?

A. No.

Q. That was about the only reason you didn't have him in?

A. Well I suppose he would have had a turn in it.

Q. So you only ground the township and the pathmaster?

A. It was McKim's doing from the first.

Q. No doubt he was a wicked man; anything else between you and wicked Mr. McKim?

A. Nothing else except perhaps what you hear as reports, and that is not evidence.

Q. Anything else for saying you would not believe him on oath?

A. McKim made a statement at another Municipal election afterwards.

Q. What was the date of that?

A. It was the ensuing year.

Q. Ensuing what?

A. The year ensuing that receipt.

Q. This receipt is the 17th of January 1882. So in 1883 you had another?

A. Yes.

Q. You had a misstatement then?

A. He said he had received nothing, and of course I made a statement saying that McKim had been making well.

Q. This was at a Municipal election by way of assisting him, I suppose?

A. I don't know that it was, but it was a true statement.

Q. Were you running yourself?

A. No.

Q. But you were nominated?

A. Yes.

Q. For the purpose of having a fling at Mr. McKim?

A. No, I don't know that.

Q. You were not going to run?

A. Well I didn't know what I might be persuaded to do.

Q. You say you didn't intend to run?

A. No, I didn't say that.

Q. I asked you if you were nominated, and I asked you if it was to have a fling at McKim?

A. Sometimes people are nominated with no intention of running, and afterwards they are persuaded to run. I didn't run.

Q. You had a quiet fling at McKim?

A. I told the truth on him.

Q. What you thought was the truth; do you recollect anything you said at that address you made excepting to tell the truth of McKim?

A. I cannot remember exactly all I said.

Q. Having told the truth on McKim, what was the truth you told.

A. He said in all his course he had only received $20. Of course McKim denied at former meetings anything that didn't suit him, and I was prepared for him. I had the minutes of the Council meeting in my pocket, and I made a statement that he had received something in the neighborhood of $40. He said that was not true, and I took out the papers, and gave him day and date for the Council meetings.

Q. Had you the papers all in your hands at the time?

A. Yes.

Q. So you went there well armed?

A. Yes. I was warned before and was armed this time. I shewed how much McKim had paid himself out of commission money, and when he attended the Magistrate's court at Glenallan he said he had been down there to take a bridge off the hands of the contractors. He came there after the court was over and stated that afterwards. I found in his commission money that he had taken $7.50 for being a witness there in that case.

Q. He charged $7.50 for being a witness, and there was something about taking a bridge off the hands of the contractors at the same time. You try to put two and two together, and you make five or six out of it; anything else?

A. I don't know that there is.

Q. Had you any other reason than these matters for not believing Mr. McKim on oath?

A. I think that is quite enough.

Q. I have no doubt you think so; is there anything more?

A. I think those are about the reasons.

Q. And until these things happened, you thought you could?

A. Until I found out that he was not truthful.

Q. You had found these out about 1881?

A. From 1881 on.

Q. From 1881 on, you would not believe him for these reasons?

A. He was always considered pretty slippery.

Q. Still you can believe slippery men?

A. Well, sometimes only.

Q. Now, upon your oath, will you swear that, prior to 1881, you would not have believed him on his oath?

A. I would not swear.

Q. It was therefore from 1881, when you had these difficulties, that you began to doubt his word?

A. I think it is a case of "a day older, a day worse."

Q. Thank you for that answer; it shews such a spirit that it is worth everything else you have said. I believe you are a Reformer?

A. I don't think I would be correct in calling myself one.

Q. You don't believe in reformation?

A. Well, believing in reformation, and being a Reformer might be different things.

Q. Not being a Reformer, you are a Conservative?

A. Yes.

Q. They know which side you vote on?

A. I wouldn't say that. I have not voted for McKim in municipal elections.

Q. Would you say you have?

A. I am not prepared to say; I would not say I haven't.

Q. What is your recollection; when was the last time you voted for him, if you voted for him?

A. I could not say; he has run for a number of years.

Q. Was it at the election of 1880?

A. No, I think not.

Q. 1879?

A. No, I couldn't say; and I would not say I had voted for him.

Q. You say you think you may have voted?

A. Yes.

Q. And thinking you may have, try to give us, as nearly as you can, the date?

A. Perhaps I might have for municipal elections, but not for parliamentary.

Q. When do you think you did for the municipal elections?

A. I don't say I did.

Q. You say you think you did?

A. I say I might have.

Q. Well, bring to bear the same thought that you give as to the fact, on the date that you did?

A. All I say in the matter is that I may have voted for McKim in municipal elections, but not in parliamentary.

Q. You may have done that?

A. Yes.

Q. You think you did?

A. I would not say so: McKim has been running for a number of years.

Q. You think you may have done it?

A. I only say I may have done it.

Q. If you did, about what date?

A. I am not saying I did; I say I may.

Q. If what you say be correct—that you may have done it—about what time was it?

A. I cannot give you the dates because I am not saying I did.

Q. But thought he was good enough for municipal honours, but you would not take him up as far as the Legislature?

A. Previous to this time?

Q. Previous to 1881?

A. Yes.

Q. You would not go to the length of the Legislature?

A. No.

Q. You never gave a Reform vote for parliamentary election in your life?

A. I never did.

Q. And never will?

A. I do not know that; if they would do a great many good things I might do so.

Q. But as they are; if you cannot be convinced by the past you never will by the future?

A. I do not know as to that.

By Mr. McMichael.—Q. Then I understand you that there was first of all a paper in which $278 was said to be due?

A. Yes.

Q. Who brought that to you?

A. He sent it by mail.

Q. What was the object of it—how did it come?

A. He got transfers and all that belonging to the land and left them in the Government office and got the statement of the amount. He was looking after the lands for a number of years.

Q. Was he to pay anything on it or merely to send the paper?

A. He took the money, paid it in for a number of people, and got deeds for them.

Q. You gave the money for him to pay?

A. My father was going to do so, but I didn't—he was going to go over to McKi n's.

Q. So then there was no money sent?

A. I said I would see him about it.

Q. So he claimed that the amount was $278?

A. Yes.

Q. And you would not do that?

A. I would not send the money.

Q. So you sent again to the office and got this other?

A. Yes, I was down and got that statement.

Q. And you didn't pay him the amount which was to be paid?

A. No.

Q. That created suspicion in your mind?

A. Well, I was wondering where this money was going to go.

Q. Now after that how was this brought up?

A. Well, McKim had been stating what he was doing for the people in that locality getting deeds and so on, and getting a reduction of the land.

Q. And you denied that?

A. Yes.

Q. It came to a contradiction between you?

A. Yes.

Q. He stated one thing and you stated another?

A. Yes.

Q. You said he hadn't told the truth?

A. Yes.

Q. Now, that was your first dispute, and you made a bet with him afterwards?

A. Yes.

Q. His statements were untrue?

A. Yes.

The CHAIRMAN.—These are the particular items which go to establish the belief of the witness that he would not believe the witness on oath; suppose he was wrong altogether.

Mr. MCMICHAEL.—I offered direct evidence on the point; but I think it is always allowable to the other counsel to question as to the circumstances that make the witness disbelieve. I cannot offer it as evidence, but if the other counsel chooses to bring it out, I can cross-examine upon it.

The CHAIRMAN.—Only that the questions in the examination-in-chief were not evidence. However, you may go on.

Q At each of these times you say he told an untruth?

A. Yes.

Q. And you don't believe him on that account?

A. No.

Q. Now, you mentioned the word rumors two or three times—what did you mean by them?

A. Reports of parties about McKim. For instance, his working man who had worked all summer for him and got nothing for it.

Q. Any rumors with regard to his veracity?

Mr. BLAKE.—He is giving you them.

Q. He was accused then of cheating?

A. Well, he didn't pay his workman who boarded himself all summer, and he lent him over $500 they say.

Q. The question is with regard to his veracity—what is his character?

A. Well, around our section of the country, McKim would not be very well believed by a great many except it was something they knew pretty well.

Q. That is his character in the section of the country?

A. At present it is.

Q. That he would not be believed unless——

The CHAIRMAN.—He dosen't say so; he says a great many would not believe him.

Mr. MCMICHAEL.—He put other words to that.

WITNESS.—I say that a great many in our section of the country would not believe it to be true unless they knew it to be true.

By Mr. Commissioner SENKLER.—How much did you have to pay in the end?

A. $54.80.

Mr. BETHUNE.—Your Lordships will remember that there was a statute passed with regard to the valuation of Government lands, and under it there were large reductions made.

The CHAIRMAN.—What was the date of the revaluation?

Mr. BETHUNE.—In some counties it was in 1872, and in others later; they went on from one end of the Province to the other.

Mr. MCMICHAEL.—It often happens that there is a general reputation and good substantial private reasons besides. There were some five witnesses who were to have come from the County of Elgin, but I find their names have not been given. Your Lordships said with regard to one yesterday that you would hear him on Saturday, and I would ask you to extend the same notice as to the others.

The CHAIRMAN.—I suppose so.

Mr. BETHUNE.—When is it to close?

The CHAIRMAN.—We have given notice that we will sit on Saturday.

Mr. MCMICHAEL.—You have already decided with regard to another witness that you will take his evidence on Saturday.

The CHAIRMAN.—Notice will be given of it, of course?

Mr. MCMICHAEL.—Yes.

THOMAS MCMANUS, called by Mr. McMichael, and sworn.

Q. Where do you live?

A. I live on the 15th concession of Peel.

Q. Do you know Mr. McKim?

A. Yes.

Q. Have you known him for a length of time?

A. For something over 20 years.

Q. Do you know anything as to his reputation for veracity?

A. I never had any dealings with the man in my life as to business transactions.

Q. Do you know his reputation?

A. His reputation with some is good; with others it is not very well spoken of, at the present time especially.

Q. I am speaking of his reputation for truthfulness?

A. A good many do not give him much credit for being very truthful at the present time.

Mr. BLAKE.—The first thing is to ascertain whether he has that reputation, and unless he has—unless there is a well-defined reputation, then the next question cannot be asked. If the witness says that some believe him, that he has a good reputation with some, and with others not, there is not that general reputation which enables the next question to be put.

The CHAIRMAN.—The question is whether he knows his reputation for veracity, and if he does know it, would he, from that reputation, believe him on oath?

The CHAIRMAN.—He may say, some would believe him and some would not; what would you do?

Dr. MCMICHAEL.—Q. From what you hear about his veracity, from his reputation, would you believe him on his oath?

A. Well, it is a difficult thing to answer that question; on some things I would not believe Mr. McKim, his word or his oath, and on other things I would; in either municipal matters or political matters I could not nor would not believe Mr. McKim, but there is other matters that I have never found anything wrong with him.

Q In municipal or political, you would not believe him on his oath?

A. No, I would not.

By Mr. BETHUNE.—Q. In private matters you always found him a decent man?

A. We have never had a great deal of dealings in private matters.

Q. In any matter outside of politics, either municipal or parliamentary, you would believe him?

A. I never saw anything wrong with him.

Q. You are a politician too, they tell me?

A Yes, every man has his politics, I suppose.

Q. They say you have got more than almost anybody; you have been in the Council, too, they say?

A. Yes.

Q. And you beat McKim, didn't you?

A. Him and I never ran against each other; he was running for reeve, and I was running for first deputy.

Q. And did you run together?

A. Well, I do not know what you call running together.

Q. Were you running on the same ticket, or on opposite tickets?

A. Well, if you can call it opposite tickets, certainly we are opposed in politics.

Q. And the politics extend to the township council in your township?

A. It did.

Q. You seem to think that Mr. McKim is a very violent partizan in politics?

A. Yes.

Q. They say you are too?

A. Well, they give me that name, I suppose.

Q. And I dare say you have heard people say they would not believe you in politics?

A. No, I never heard a man say that; they may have said it; they never told it to my face.

Q. You remember the election between McKim and Murphy?

A. Yes.

Q. You paid out a good deal of money at that time?

A. No, I did not pay out a dollar, not a cent.

Q. Didn't spend any money?

A. I spent my own expenses if I went to the hotel and treated, but I spent no money nor made no money.

Q. Did not spend any money for Murphy?

A. No.

Q. You did a great deal of canvassing for him?

A. I done some canvassing for him; I done my best for him, certainly.

Q. You really felt aggrieved that McKim should have been member for your county?

A. I did.

Q. You thought it was a personal grievance?

A. Well, I thought it would be better represented by somebody else.

Q. You would do anything you could to put him out?

A. I would, by fair means.

Q. Are you one of those who think everything fair in politics?

A. No, I am not.

Q. Then you never had any personal difficulty with him?

A. No, I did not.

Q. Now, sir, do you mean to say that you did not pay any money at all in Murphy's election?

A. No, I paid no money.

Q. Did you pay any to McKim's supporters and then swear them when they came to the polls so as to kill their vote.

A. No, I swore no man.

Q. Were you agent for anybody?

A. No.

Q. How far back does this political difficulty between you and McKim extend?

A. Since 1867.

Q. Since 1867 you and he have been violently opposed to each other politically?

A. Generally.

Q. Always?

A. Well, I might say always; we never agreed in politics, that is certain.

Q. Both municipally and for parliamentary purposes?

A. Well, yes, I must say I think so.

Dr. McMichael.—Calls Michael Gainor.

Mr. Bethune.—We have nobody named Michael Gainor on our list.

Dr. McMichael.—(To witness).—Q. Were you subpœnaed?

A. Yes.

Dr. McMichael.—(To Mr. Blake).—You object to his being called?

Mr. Blake.—Certainly, if there is any use in the notice at all we ought to have it.

Gavin Burns, called by Dr. McMichael, sworn.

Q. Where do you live?

A. Peel.

Q. Do you know Mr. McKim?

A. Yes, sir.

Q. How long have you known him?

A. Twenty-five or twenty-six years.

Q. Do you know anything about his reputation for veracity?

A. Some places it is good, and some places it ain't so good; some don't give him a very good character.

Q. I am speaking of his truth-telling; with some he has a good character and with some he has not so good; from his character that you hear, from the reputation, would you believe him on his oath?

A. I don't think I should.

By Mr. Blake.—Q. Where did you say you were living?

A. In Peel.

Q. How long have you been living there?

A. Something over 26 years since I came there first.

Q. How long have you been living in Peel?

A. Came there in 1856.

Q. Have you been constantly living there since?

A. All but about six months; five or six months.

Q. Where were you five or six months?

A. I was in Manitoba and in Minto.

Q. What is your occupation at present?

A. Threshing.

Q. Just at this moment?

A. Yesterday I was threshing.

Q. For whom were you threshing?

A. For Mr. Connors.

Q. What is your occupation?

A. Different things; sometimes carpenter work and sometimes threshing, sometimes farming; anything that comes along.

Q. Can't you give me some other of the varied occupations of the last twenty-five or twenty-six years?

A. Oh, yes.

Q. Give me some more of them?

A. Dealing in land, selling land.

Q. Anything else; ever running away from your creditors?

A. No, sir.

Q. Never?

A. No, sir.

Q. Had you ever any creditors to run away from?

A. Not that I know of.

Q. Swear to that?

A. Yes, sir.

Q. Were you ever in a store?

A. I was, sir.

Q. What was your occupation in the store?

A. Keeping store.

Q. Why didn't you give me that; you had not forgotten it, had you?

A. I could give you lots of others.

Q. Well, I am going to get them all from you; you may just as well give them at once and save the time; what others beside keeping store?

A. Chopping.

Q. How long were you keeping the store?

A. Five or six months.

Q. Where were you keeping the store?

A. Drayton.

Q. Is that in the township of Peel?

A. Part of it.

Q. Were you in partnership with anybody?

A. No, sir.

Q. Just carrying on the store yourself?
A. Yes, sir.

Q. Did you leave the store, or did the store leave you?
A. No, sir; I sold it.

Q. To whom did you sell?
A. To David Finlay.

Q. Was it after that that you went up into Manitoba?
A. It was after that some time.

Q. And you were there for five or six months?
A. Not in Manitoba.

Q. Where?
A. I was in Minto part of the time—the township of Minto.

Q. Did you pay your creditors in the store?
A. Yes, I think so.

Q. Will you swear that you did pay them in full?
A. I paid them all that is for the stored goods, yes.

Q. Did you pay all your creditors in full?
A. I don't think there is anything against me.

Q. Did you pay all your creditors in full?
A. That is a strange question to answer.

Q. Did you pay all your creditors in full?
A. I don't know of any that I didn't pay.

Q. Did you pay all your creditors in full?
A. I didn't get no reduction, anyway.

Q. Did you pay them in full?
A. They must have been paid in full.

Q. Did you pay them in full? I am told that you did not, and that is the reason I am asking, and that you left without paying them, and that the assignee was very anxious to get hold of you; now you can tell me how much of that is true or not?
A. He did not try to get hold of me.

Q. Did you know a person by the name of Hoffner?
A. I did.

Q. Had Hoffner anything to do with you?
A. No, sir; he did not examine me at all on the store business.

Q. What did he examine you on?
A. He didn't examine me at all; he didn't try to.

Q. Who is Hoffner?
A. He is an assignee.

Q. Did you come into contact with the assignee?
A. No, I did not.

Q. Did you run away so you would not?
A. I did not run away either.

Q. Why didn't you come into contact with him?
A. I couldn't tell you.

Q. Did you make a voluntary assignment to him?
A. I did not make any assignment.

Q. Did he seize without an assignment?
A. He did not seize.

Q. Had you taken everything away so that he could not seize.
A. No, sir, I did not.

Q. What was the difficulty in the way of seizing?
A. They were sold.

Q. To whom did you sell them?
A. Finlay.

Q. Anybody else but Finlay?
A. No, not the Drayton stock, not the Drayton store?

Q. Had you another store?
A. I had.

Q. To whom was it you sold the other store?
A. Graham.

Q. Where was the other store?
A. Douglas.

Q. Had you both these stores running at the same time?
A. No, sir.
A. You first had the store in which place?
A. In Drayton.

Q. And then you went to?
A To Douglas.

Q. Did you make an assignment in both?
A. I did not make no assignment.

Q. Did the assignee lay his hands upon both?
A. He did not.

Q. Which was it he did lay his hands on?
A. I don't know that he laid his hands on either.

Q. What became of the first store?
A. The first store—Finlay got that.

Q. Did you assign it over to Finlay?
A. I did.

Q. What became of the second store?
A. Graham has got it.

Q. How did he get it?
A. He paid for it.

Q. To you?
A. Yes.

Q. Did you transfer it to him?
A. I did, sir.

Q. Were you to pay your creditors, or was he?
A. I had no creditors to pay.

Q. Where did you get your goods?
A. I got some of them from A. G. Duncan.

Q. Where does he live?
A. He lives on St. Joseph's Island now, I believe.

Q. Where did he live when you got the goods from him?
A. In Elora.

Q. Where else did you get the goods?
A. From different parties.

Q. You don't remember anybody else?
A. Some from Hamilton.

Q. From whom in Hamilton?
A. Mr. Glennie was the traveller from Brown.

Q. Did you pay him?
A. I did.

Q. Certain of it?
A. Yes.

Q. In full?
A. In full.

Q. Anybody else?

A. I did, but I don't remember.

Q. Who are you living with now?

A. I am living at home, sometimes with my mother.

Q. You have no means of support except any little work that you choose to put in, have you?

A. Oh, yes.

Q. What means of support have you?

A. I generally live—I generally make a living.

Q. Have you got any means of your own?

A. Yes.

Q. You can tell me of it without prejudice to Mr. Hoffner—I won't tell him?

A. I don't care whether you do or not.

Q. Have you got any means of support?

A. I have, yes.

Q. Where?

A. In my pocket.

Q. The balance of your witness fees; any other——?

Dr. McMichael.—I don't know that he has a right to pry into all a man's affairs. Mr. McKim is not the most successful man in the world?

The Chairman.—We cannot limit the examination if it happens to attack the credibility of the witness.

Dr. McMichael.—His question is now to know how much he is worth.

The Chairman.—He wants to know what his means of livelihood were. A man who is a vagrant and a vagabond on the face of the earth is not likely to have such a character as to give much credit to.

Mr. Blake.—It was one of the matters of comment, when a person is put into the box to speak about the character of another, that he must have some character of his own in order to give credit to it. Now if this man is a lineal descendant of Cain, I do not think the Court should give much credit to what he says.

Q. Did Mr. Hoffner follow you and get some of your property from you?

A. No, sir.

Q. Did he get some of the property that you took away?

A. No, sir.

Q. Did he get anything from you after you left?

A. No, sir.

Q. Did he not get a horse?

A. No, sir.

Q. You swear to that?

A. Yes, sir.

Q. Did you not take a horse away that somebody did get?

A. No, he didn't.

Q. Didn't anybody get one?

A. I don't think that anybody did; I don't know; not from me.

Q. Was there not a horse that you were not giving that afterwards was followed and was taken?

A. Not that I know of

Q. You swear to that?

A. Yes.

Q. The horse I refer to was the one that was found in your brother's stable?

A. That belonged to A. G. Duncan.

Q. How did it belong to A. G. Duncan?

A. Because I had sold it to him.

Q. Who was it followed and got it?

A. I couldn't tell you that.

Q. It was followed?

A. It may have been.

Q. You never got it?

A. I never got it; I sold it.

Q. To whom?

A. To Duncan.

Q. And you put it in your brother's stable?

A. I did not.

Q. Who put it in your brother's stable?

A. I couldn't tell you that.

Q. Then when you left the store you went up to Manitoba?

A. No, sir.

Q. Where did you go?

A. I went to New York.

Q. How long did you remain there?

A. About a week.

Q. What were you doing there?

A. Some lambs I had over there; I had some lambs over there—a load of lambs.

Q. Did you sell them there?

A. I think so.

Q. Are you sure of that?

A. Yes sir, they were sold there; I did not sell them.

Q. Who was it sold them?

A. Davis, a commission merchant.

Q. Where did you go from New York?

A. I came to Canada.

Q. Where did you go to from that?

A. I went from there to Manitoba.

Q. How long were you there?

A. I was there somewhere betwixt two and three months—somewhere about that time.

Q. What were you doing there?

A. Well, I was in carpenter work for some time.

Q. What else?

A. Travelling.

Q. Anything else?

A. No, I think not.

Q. From that where did you go?

A. I came back to Harriston.

Q. How long is it since you went up to Manitoba?

A. I think it is over three years.

Q. And you returned, and you have just been doing odd jobs, and so on, from that time on?

A. Yes.

Q. Have you ever had any difficulty yourself with Mr. McKim?

A. Yes.

Q. When was that?

A. Some time ago.

Q. How long ago?

A. Well, I couldn't recollect just how long ago; it was the time that I was in grain.

Q. Barley, was it?

A. It was barley.

Q. In its original state, I hope?

A. Well, I couldn't say at the time.

Q. When was it that you had this difficulty with Mr. McKim?

A. I told you I could not tell you just the date.

Q. One or two or three years ago?

A. It was more than that.

Q. Four?

A. More than that.

Q. Five?

A. Sometime about that time, I think.

Q. What was the barley difficulty?

A. I bought some barley from him, in the neighbourhood of 3,000 bushels, and he did not ship me his own barley, what I calculated he sold me, what I bought from him; he shipped me two cars of his own, and four cars he bought in Moorefield, No. 3 barley, or rejected barley, at a lower price I believe; he told me so; I was told so—I didn't see him—by the man which got it from him.

Q. Did you examine, yourself, the 3,000 bushels that he was selling to you?

A. No sir, I trusted him.

Q. Did you examine what he sent you?

A. No, I didn't see it; it came to Toronto; I trusted him.

Q. You neither examined the 3,000 bushels that you were buying, nor did you examine the 3,000 bushels that you received?

A. I examined the receipt that came back, though.

Q. What did you do with this 3,000 bushels of barley?

A. Sent it here to Coffee.

Q. To make into coffee?

A. For Coffee to sell.

Q. To be sold as coffee?

A. Coffee was selling it for me.

Q L. Coffee & Co. were your agents here in Toronto?

A. Yes.

Q. And they were to sell this barley for you?

A. Yes.

Q. Did you come into Toronto and see this barley?

A. I didn't.

Q. All that you know is what Coffee told you about it?

A. No, sir; I had the inspector.

Q. Did you see it yourself?

A. I knew it.

Q. Did you see it yourself?

A. No, sir, I did not.

Q. Then, that was the difficulty about the barley; had you any other difficulty?

A. No, I don't know that I had.

Q. Had you heard anything against Mr. McKim's reputation until the time of this barley business trouble five years ago?

A. No, sir.

Q. Whatever you heard against his reputation, you say now, for instance, that in some places it is good; is it good in Parker?

A. Well, some of the neighbors have a good word for him, and some have not.

Q. Do you find that that is pretty much the same way as yourself—some have a good word and some have not?

A. I don't know, I am sure; I couldn't say for that.

Q. Or is it that they all have not with you?

A. I haven't heard any.

Q. Are you a little deaf?

A. No.

Q. Then can you tell me his reputation in any place but Parker?

A. Not just now: no.

Q. So that in Parker he stands, some people thinking a good deal of him and some people not thinking so much?

A. Just so.

By Dr. McMichael.—Q. Is Parker where he lives?

A. Yes, sir.

Q. And you live there?

A. Near there.

Q. It seems you have had a trouble with him about barley; let us hear what it was; I could not make it all out?

A. Some barley that I bought from him; he came down to Allen and sold me 3,000 bushels of barley, and I had not time to go and see the barley; I had seen his own barley previous to this.

Q. And he came down and sold it to you as his barley?

A. Sold it to me as his barley, and there were two cars he shipped of his own barley, and the other four cars came from Moorefield, a distance above that.

Q. You don't know that?

A. I heard of it after—too late—a man told me; it came down to Toronto, and four cars were No. 3, and two cars No. 2. The cars that came to Toronto did not answer the inspection; not as good as what I calculated.

Commissioner Scott.—Q. You say you saw it?

A. I seen it before I bought it, some time, but not at the time I bought it.

Dr. McMichael.—Q. Knowing that, that is what you bought?

The Chairman.—I have it down that he said, "that he did not examine it."

Witness.—Not at the time.

Dr. McMichael.—He says he did not examine when he bought it; he had seen it before; he answered me distinctly at once.

(To Witness).—Q. If I am right in what you said, you had seen McKim's barley?

A. I had seen it some time before I bought it?

Q. And it was that barley that he sold to you?

A. It was that barley I calculated that I was buying.

Q. And when it was inspected you knew by that and by what you heard that it was not that barley?

A. I knew it was not that barley, I knew it didn't come from there.

Q. Did you lose all that?

A. Yes, sir.

Q. Did you go to him about it?

A. No, sir; I did not.

Q. Why didn't you?

A. Because I didn't know where it came from till the year after; I didn't know at the time that it came from Moorefield.

Q. When you found out that you had lost, why didn't you go to him?

A. I didn't go to him.

Joel Boyle, called by Dr. McMichael, sworn—

Q. Where do you live?

A. I live near Parker, Township of Peel.

Q. You have lived there sometime?

A. I am living in that place about nine years now.

Q. Do you know Mr. McKim?

A. Yes, I know him well.

Q. Do you know what his reputation is for truth-telling?

A. Well, it used to stand pretty good, it stood pretty well till these last years that he got into difficulties and made an assignment, and people has got a little doubtful of it I suppose; it stood well up to about a year ago.

Q. What about his truth-telling since that?

A. Well, he promised people money, and did not give it to them; that is about the amount of his promises in regard to money matters?

Q. Is that what you say about his reputation?

A. Yes, he owes me some money and promised it, and I did not get it from him.

Q. Do you know what his reputation is among other people about his telling the truth?

A. Well, I say as far as the people he has done that with, that they seem to think he did not tell the truth; he has took money from some people that way; he failed, and they did not seem to like it very well: apart from that he stood well.

Q. From what you have heard, would you believe him on his oath?

A. I couldn't say that; I wouldn't like to go that far; I have no reason to doubt the man's oath.

Q. Have you had any conversation with any person this morning respecting him?

A. Oh, I may have: him and me isn't very good friends; I have reason not to be, too.

Q. Have you had any conversation with Mr. McMullen?

A. Yes.

Q. Discussed this matter?

A. Yes.

Q. He is the member for what?

A. West Wellington, I think.

Q. In the Commons—the same riding is it?

A. It is in the same county.

Q. You have discussed this matter?

A. Him and me was talking about it on the train; I said I couldn't believe McKim in regard to money matters: I say the same now.

Q. On his oath?

A. Oh, no man heard me say that.

Mr. Bethune.—Q. You are opposed to him in politics?

A. I am sometimes, and sometimes not; I am on the fence, I vote every way, but I generally vote for Mr. McKim.

Anthony Griffen, called by Dr. McMichael, sworn:—

Q. Where do you live?

A. I live in the Township of Peel, in Alma, four or five miles from Parker.

Q. Do you know Mr. McKim?

A. Yes, sir.

Q. How long have you known him?

A. I have been slightly acquainted with him twelve or fourteen years.

Q. Do you know anything about his reputation for truth-telling?

A. Well, not personally, I don't.

Q. Do you know what his reputation is—what is generally said about him?

A. Well, some say pretty hard things about him, others speak favourably.

Q. About truth-telling?

A. Yes.

Q. From his reputation and what you have heard of him would you believe him on his oath?

A. Well, I don't know; if all is true that I have heard, sometimes I would be inclined to think that I could not believe him on oath, still it may not be true.

Q. From all that you have heard respecting him, from his reputation generally for truth-telling, would you believe him on his oath?

A. Well, I don't know, I am sure; I would not hardly think a man with the reputation that I have heard him get in some cases could be believed on oath.

The CHAIRMAN.—Q. Could you believe him on oath?

A. Well, I have no reason to disbelieve him as far as I am concerned, personally.

Dr. MCMICHAEL.—Q. That is not it—from his reputation?

A. From the hearsay, certainly I should say that I would not like to believe him on oath if all is true what I hear.

The CHAIRMAN.—Q. That is not the question; he has to go and investigate, then, the truth of the matters, but from the reputation you have heard about him for veracity, would you believe him upon his oath; you can either say you would or you wouldn't?

A. There is different ways of using it; I wouldn't like to say distinctly that I would not believe him on oath; otherwise I have heard a very bad reputation sometimes.

Dr. MCMICHAEL.—Q. You have heard a pretty bad reputation sometimes?

A. Yes.

Q. And if the reputation——

The CHAIR.—I think you should not press that.

Commissioner SCOTT.—He says that if it is all true that he heard, he would not like to believe him: that is not the true question.

Dr. MCMICHAEL.—Still it shows the character of the reputation.

Commissioner SCOTT.—It shows the character of a part of the reputation.

Mr. BLAKE.—Still, it is the whole reputation that makes the character; so that it is not what he has heard of bad, but the good also.

Dr. MCMICHAEL.—A good reputation is generally good in the whole.

The CHAIRMAN.—If a man says a reputation is pretty equally balanced, but yet from that, that he would not believe him on oath, I would not place much confidence in that.

Mr. BETHUNE. Q. You are a Conservative in politics?

A. Yes.

Q. Always have been.

A. Yes.

Dr. MCMICHAEL —My Lord, that is all the evidence that I can offer.

The CHAIRMAN.—I really cannot agree to postpone the examination this way, indifferently. Mr. Meek has had ample time to collect his witnesses, and here is a list of sixty. We cannot give any definite time for the examination, the way it is carried on.

Dr. MCMICHAEL.— I understand your Lordship said you would allow till Saturday.

The CHAIRMAN.—We want to be occupied all the time, we have an hour and a half here to-day, and we are losing all to-morrow.

Dr. MCMICHAEL.—Some of the witnesses we subpœnaed are not on the list.

Commissioner SCOTT.—Will you have more to-day?

Dr. MCMICHAEL.—No, we have not subpœnaed some of them.

The CHAIRMAN.—I think it is unpardonable, because Mr. Meek knew we would sit to-day, and sit to-morrow, and sit on Saturday.

Dr. MCMICHAEL.—On Saturday, as soon as we found it would sit this week, we sent up immediately and we telegraphed. Those that were telegraphed were sneered at because they came without a subpœna, and we sent up a subpœna to get them, and they have not got the subpœna.

The CHAIRMAN.—Personally I feel very much disinclined to adjourn until Saturday. Now to hear it, I think the evidence ought to have been here. Here is to-morrow that will be lost in that way, and the other Commissioners can come here and cannot come any other day exeept Saturday this week.

Dr. MCMICHAEL.—I understood that Saturday would be the time and I did not prepare myself, because I should not be able to be here to-morrow, as I told your Lordships.

The CHAIRMAN.—I may as well say that if Mr. Meek does not produce evidence more to the point than those that have been produced here, he may as well stop.

Mr. BLAKE.—I would not press this so much before the Commission, except that, as the Commissioners are aware, it was brought up at a very early period, and I then asked a question distinctly as to whether there was to be a period of time elapsing between the close of the case and the evidence put in in rebuttal, and the Commissioners, lest there should be any misapprehension upon it, six weeks ago stated distinctly that it was not the case; the evidence must be here. Then an application was made, strenuously urged on the Thursday, Friday and Saturday, and the Commissioners then stated that they would sit on the Monday and on the Tuesday. Ever since that there has been more or less of pressure brought to bear and the Commissioners have stated that it must now be closed, and that in order to the close of it, the argument taking some considerable time, that the evidence must be in either to-day or to-morrow. If ever there was a matter in which the most full and ample notice was given, it is in the present case. Then I submit also to the Court, we did submit that we needed, particularly on account of the attack that was to be made, the list of witnessess, to have them in good time, and so on. Now we have had ever since before vacation the notice given, that there were the witnesses to impeach, because your Lordships will remember that an application was made as to whether the rule should apply to the witnesses to impeach, and certain reasons were assigned why the names should not be given, as there might be a difficulty in getting witnesses to attend. The answer to that was, "There is just as much reason for the names of the witnesses to be given under those circumstances as the names to be given of any other witnesses." Then with all that there have been some five or six witnesses examined. Well, surely it would be impossible for my learned friend, Dr. McMichael, to argue that if he had fifty of such witnesses it would advance his case one single iota, and I submit to the Commissioners that in view of the ample time given, in view of there being no response given in subpœnaing the witnesses, and in view of the utter and entire failure so far as it has gone, that it is not in the interests of justice that there should be further time given to endeavour to rake up any more of the class of the witnesses to impeach character. The question was asked as to whether this should not be conducted, for some reasons that were assigned, on a different principle from the ordinary civil case, and the answer that was made by his Lordship, Mr. Justice Proudfoot, was, "Why, in any case you must be ready with your answer, you must proceed with it, and it is an unknown thing that the times should be given." Well, I do not know that there should be any different rule here, the rule there being that opportunities should be given to manufacture evidence, to consider where the shoe pinches, and to endeavour here and there to rake up the witnesses and throw them in to strengthen the weak part of the case. Well, I say that that applies here, that the rule was laid down, and it not being for some further branch of the case, for some witnesses upon a distinct point, but in order to have a further number of witnesses to give testimony in a similar way, I submit that it is not in the interests of justice that it should be prolonged, but rather that in view of the lengthy and many sittings, and many opportunities, that it would be better to have it closed to-day.

Dr. McMichael.—My learned friend forgets altogether that during all this examination the time has been occupied by himself with his witnesses, that he has brought here, and we never have been called upon till yesterday morning for our defence.

The Chairman.—I do not think that is accurate, I think you were called upon for the defence on the first of September.

Dr. McMichael.—Then I stand corrected. I supposed that we had not been; at any rate I was not here to know anything about it till yesterday morning; I understand from Mr. Meek that he endeavoured to ascertain when the examination would close, so as to have his witnesses for that date, and that he could not find out whether it would be to-day or not.

The Chairman.—If Mr. Hamilton will state what took place with regard to Mr. Meek's application to him, probably it would put you right about it; I know Mr. Hamilton asked me specially; he had been applied to, and I directed him to write to my brother Commissioners when they would sit, and the answer was sent that they would sit certain specified days; Mr. Meek never replied to Mr. Hamilton.

Dr. McMichael.—I do not know whether he got the answer or not; all I know is, he told me he supposed the other matter would close and this would open on Monday, and asked me to attend, and he told me then that he had a man sent up immediately to bring his witnesses, and that he had to go of course to great distances to get them down. Mr. Meek is a poor man, he is not able to get witnesses as the Government is, and until he knew that the case would come on he did not like to get the witnesses. Our witnesses from Elgin were called, but went away and we failed. I have recommended subpœnaing the witnesses for Saturday, and some that we have had here we found were rejected. We have not subpœnaed witnesses in regard to Dr. Cascaden, except two that came down without the subpœna, and we failed.

The Chairman.—How many have you subpœnaed for Saturday?

Dr. McMichael.—Five; that is all.

Mr. Blake.—But then the Commissioners see that of course, that if this matter holds on there must be the witnesses to answer that. I am perfectly willing to close the case now, no further witnesses being called, but if they choose to go on, then it will be necessary, and then it is utterly impossible to close the Commission on the Saturday.

The CHAIRMAN.—I am afraid we will have to keep our word, which stated in the beginning of this week, that those who were not subpœnaed for yesterday, will have to be subpœnaed for Saturday. I suppose we will have to give Mr. Meek an opportunity of calling the witnesses who were subpœnaed for Saturday.

Mr. BLAKE.—If there is any evidence before the Commission that there is a witness to examine, I dare say a case would be made, that would be reasonable, but I do not think it would be at all reasonable to say that we are to loose the whole of the balance of today, and the whole of Wednesday, and then to be cast upon Saturday, and then the Commissioners to be told that the Commission cannot be closed because there will be an argument on the case, and then it is adjourned over for another month.

The CHAIRMAN.—There are five witnesses subpœnaed for Saturday; that will be all that will be allowed on Saturday.

Mr. BLAKE.—There is no evidence that they have been subpœnaed.

Dr. McMICHAEL.—I have not been up there and subpœnaed them, but I have directed them to be subpœnaed.

Mr. BLAKE.—With regard to one that was omitted, the Commissioners stated that witness could be examined on Saturday. It is quite a different thing to have one witness, and then to say distinctly to the Commissioners on Saturday, you cannot close this today, because I don't choose to get my witnesses.

The CHAIRMAN.—There are five witnesses to be examined on Saturday, and if there are no others reported you will not require any further.

Mr. BLAKE.—Certainly not.

The CHAIRMAN.—Then the argument can go on directly after.

Mr. BLAKE.—Certainly, but then supposing that in the meantime there should be, for the reasons that have been assigned by these various witnesses, some persons that should be produced, then we would have to.

The CHAIRMAN.—We cannot avoid that, I am afraid. I am very sorry that the Commission should be prolonged so long, but with the desire among the Commissioners to give the persons accused every latitude, we have been more lax than we would otherwise have been. We have given them indulgences that we would not have given to persons in another position. In this case I think we led Mr. Meek to believe that witnesses who were not subpœnaed whom he was not able to reach for Monday might be taken on Saturday, and it seems there are five in that position, and we will have to take their evidence, but if the Crown required to produce any rebuttal evidence I suppose we can manage. I do not know when we will be able to sit after that.

Dr. McMICHAEL.—These witnesses need not take long.

The CHAIRMAN.—Can you give us the assurance that they will be just the same as those we have had?

Dr. McMICHAEL.—My questions shall be just the same.

Mr. BLAKE.—I have told my learned friend that we will say "ditto" to twenty witnesses of that class if he likes, so as to close the case this afternoon. Kindly give us the names of these five witnesses.

Dr. McMichael.—The names are: D. J. Hughes, Elgin County; Evan Cameron, West Elgin; Richardson Travis; Dougald Ferguson; James McLachlin.

Mr. Blake.—I did not know that the Commissioners were going to allow a further list of witnesses to be put in. Here are a list of sixty-six witnesses, and I thought that the Commissioners were going to allow such of those as from the distance could not be subpœnaed, now to be subpœnaed, and examined on the Saturday.

Commissioner Scott.—The first name that they mention was one that is not on this list. These names you are giving now are not on this list so far as I can see.

Mr. Blake.—No, and that is the objection I take.

Dr. McMichael.—The difficulty we had about Jones was, that although he was here, we could not put him in.

Commissioner Scott.—You will be at liberty to put him in on Saturday.

Mr. Meek.—Mr. Cameron was here to-day; he has just gone to catch the train.

Commissioner Scott.—Why was he not examined to-day?

Mr. Meek.—Because his name was not in the list. Dr. McLaughlin is already subpœnaed. The others were subpœnaed and were here, and I paid their fees, and I offered the first one in evidence, and he was rejected because his name was not in the list.

The Chairman.—These have all been subpœnaed for Saturday.

Mr. Meek.—They have all been subpœnaed except the first one; he has not been subpœnaed, but he understands he is to come.

The Chairman.—Then there are no more of these witnesses on this list that are to be examined.

Mr. Meek.—I have a telegram from one of them saying that he lost the train, and others are subpœnaed.

The Chairman.—There can be nothing done to-morrow; we have lost a day, then, on account of this dilatory proceeding on the part of Mr. Meek. There are only these five witnesses to be examined on Saturday, and if the Crown does not require any rebuttal evidence, the argument will go on immediately in this matter.

Commission adjourned at 4 p.m., until Saturday, 11th October, at 10 a.m.

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Saturday, Oct. 11, 1884.

Commission opened at 10 a.m.

The Chairman.—Dr. McMichael are you ready?

Richardson Travis, called by Dr. McMichael, sworn:—

Q Where do you live?

A. Southwold, County of Elgin, West Elgin.

Q. Are you acquainted with Dr. Cascaden?

A. Slightly acquainted with him.

Q. Do you know anything of his reputation for veracity?

A. His reputation is not good.

Q. Do you know about it; have you heard about it?

A. Well, heard about it, partially know about it.

Q. From what you know of his reputation for veracity, would you believe him on oath?

A. I would not.

By Mr. BLAKE.—How long did you say that you had known Dr. Cascaden?

A. Partially known him since 1880.

Q. Have you ever, yourself, had any dealings with him?

A. Individually, no dealings.

Q. What distance do you live from him?

A. I live about ten miles, in the neighbourhood of ten miles from him.

Q. When did you first hear anything as to his character?

A. It was in 1880; it was after March, 1880, I think.

Q. Do you recollect from whom it was?

A. It was from himself, and the transactions with regard to a suit that he had in court, in the Town of St. Thomas.

Q. Are you of the same politics?

A. No sir, I am not.

Q. You are a pretty strong Conservative?

A. Not over strong, not very strong; just moderate.

Q. They do not have to look much after you on voting day?

A. Well, I never give any man a chance to look after me; I always kind of look after myself.

Q. You heard something from himself in 1880; you had not heard anything up to that time?

A. I did not know the man before that.

Q. Had you heard anything against him until 1880?

A. No.

Q. Nothing whatever?

A. No.

Q. Then, in 1880, you heard something in a case in court; were you, yourself present?

A. Yes, I was the constable that had the jury in charge.

Q. Are you a constable?

A. I am a county constable.

Q. You are now, and were then?

A. Yes

Q. Are you anything else?

A. I am a farmer.

Q. Your farm is in Southwold.

A. Yes.

Q. In 1880, you heard what I will ask you further about in a moment, and then did you hear anything else from 1880 onwards?

A. Between that and this, well I heard from the neighbours, from the people in that vicinity.

Q. Then since 1880 you heard from some of the neighbours in the vicinity, was that about the same suit?

A. Not exactly; it was in connection; that perhaps might have brought the discourse on.

Q. It had something to do with it?

A. It might have brought the discourse on at sometimes, not at all times, that I heard this man spoken about.

Q. Still, you think, whether rightly or wrongly, that this suit was what set them thinking, and set them pretty much talking, if not entirely?

A. It was what caused me first to think the man was dishonest, that was as far as I know about that.

Q. And then, so far as you know, the discussions that arose after that, more or less were introduced by this suit?

A. Oh, well, no it might have been sometimes, but not always.

Q. With whom do you recollect—have you had discussions since 1880 about the doctor's character?

A. With the parties that I have heard speak slightingly of the doctor, do you mean?

Q. Yes?

A. Well, John Campbell was one, in St. Thomas.

Q. What is his occupation?

A. I think he is an agent now; he is a wealthy man, a money loaner and so on.

Q. He had some dealings I suppose with the doctor?

A. I don't know that he had, but he had some trouble, at the same time that this trouble was, he had a trial pending.

Q. He had a law suit with the doctor about the same time in 1880?

A. Yes.

Q. Who else?

A. Robert Miller for another.

Q. Where does he live?

A. He lives near Lawrence; he lives betweeen Lawrence and Iona some place, I don't know exactly, but it is in that vicinity, perhaps two or three or four miles from Iona

Q. What difficulty had he with the doctor?

A. I couldn't say, he did not say.

Q. Who else do you recollect?

A. Mr. Thomas Burtch.

Q. Do you know the nature of his difficulty with the doctor?

A. He did not tell me; I asked him had he ever any difficulty with the doctor; he said he had none, but for his general reputation he would not believe him under oath.

Q. I did not ask you that; I simply asked you whether he had any difficulty with the doctor or not?

A. Well, I say he told me he had none.

Q. Anybody else?

A. A man by the name of Parks; his given name I am not acquainted with; he lives near Iona, and the doctor knows him, I guess, for he was his family doctor for years.

Q. Do you know whether there was any difficulty between Parks and the doctor?

A. I don't know.

Q. Do you recollect anybody else?

A. Yes, another man by the name of William Clay.

Q. Where does he live?

A. He lives above Fingal, between Iona and Fingal.

Q. Do you know whether he had any difficulty with the doctor?

A. I don't know that he had; I can't say that he had or had not.

Q. Do you recollect anybody else?

A. No.

Q. These are the sources, then, of your information; you don't recollect discussing or talking with anybody but them?

A. Do you understand me to say that I had never heard it from any other source?

Q. No, I don't, but I am understanding you to say that you can't give the name of any other person from whom you heard it?

A. That is all right.

Q. Then, in 1880 you say, that it was that trial which caused you to have your view upon the doctor's character?

A. First.

Q. And then the conversations with those persons that you have mentioned, it strengthened it?

A. And the general opinion; there is a great many others I have heard talking.

Q. Can you mention any others?

A. I can mention one more, that is a man by the name of William Ayres, but he doesn't live in that section of country now.

Q. What was the nature of the suit in this trial in 1880?

A. It was a forged order.

Q. Do you know what the name of the suit was?

A. I don't know what the name of the suit was; I couldn't tell you that; what do you mean by the name of suit?

Q. Who was the plaintiff and who was the defendant?

A. Oh yes, I can tell you of course—John Edgecomb, of Port Stanley; I don't know whether his name was John or not, but his name was Edgecomb, of Port Stanley, and the doctor.

Q. Something took place at that trial which led you to conclude that the Doctor was not honest?

A. Yes.

Q. Did it lead you to any other conclusion?

A. Well, I don't understand what you mean by any other conclusion.

Q. In regard to the Doctor?

A. Well it lead me to a conclusion the man was guilty of doing what he hadn't ought to do, I thought he was not honest as well.

Q. I ask you whether you came to any other conclusion as to his character than that he was not honest?

A. I came to the conclusion that he was not truthful, as well as not honest.

Q. From what he said at the trial?

A. Yes, that was the first.

Q. Comparing that with what somebody else had said?

A. Yes.

Q, Who was it that had pledged his oath against the Doctor in opposition to the Doctor?

A. Well Judge Hughes, and Mr. Price of Port Stanley.

Q. Mr. Samuel Price?

A. Yes, and Mr. Askew.

Q. Mr. Price was here, do you know if Judge Hughes is here?

A. I don't know.

Q. Mr. Askew?

A. I don't know.

Q. So that he had his oath against these three, and you thought that Dr. Cascaden was not to be believed and that these other people were?

A. And also Edgecomb was against him too.

Q. That was in another trial?

A. No, the same one.

Q. Of your own knowledge was there anything that took place, except at this trial that is personal to yourself?

A. No, I never had any personal knowledge of the man.

Q. You mentioned that different persons had had difficulties with the Doctor, different persons that you had mentioned from whom you got his character; do you recollect what the nature of those difficulties was?

A. What parties did I say had difficulties with him.

Q. You mentioned that there were two that had had difficulties; you gave me the name of five, and finally you gave me the name of the sixth, Mr. Edgecomb?

A. Well, John Campbell, of course he had difficulty, because he had his trial pending at the same time.

Q. Do you know what that trial was about?

A. Yes, it was that Campbell had circulated that the Doctor had killed his wife or something to that effect, something of that kind, something in that shape.

Q. That was the Campbell from whom you had heard a statement made?

A. Yes.

Q. There was a second person you said had had a difficulty?

A. No. I did not say a second person had a difficulty, I didn't say any second person had a difficulty.

Q. You said there were two people that had some personal matter with the doctor which they had mentioned, and then the other two or three hadn't?

A. No, not that I know of.

Q. Do you recollect what period in 1880 this trial took place?

A. It was in March, I think; I had the jury, as I told you before, in hand; I was at the court, and I think it was in March, 1880.

Q. How long had you lived in the county before that?

A. I lived there about ten years or more.

Q. You had known the doctor, I suppose, only as a public man, and so on?

A. Oh, yes; just heard of him; no particular acquaintance at all.

Q. And it was not until March, 1880, that you heard anything against him that you can recollect?

A. That I have any recollection about.

By Dr. McMichael.—Q. It had not attracted your attention before?

A. No; of course I heard the man's name often enough, but not that I know of hearing anything against the man before that.

Q. You gave my learned friend certain names?

A. Yes.

Q. Are they the only persons from whom you heard?

A. Oh, no; it was a general thing in the vicinity that I live in that the man is not honest.

Q. It is not just one or two?

A. No, not just one or two, but it is a general thing.

Q. You said you were a farmer?

A. Yes.

Q. Have you not some other business, or had you not at one time?

A. Well, I have had, and have now for these five years; I have been doing business for the Joseph Hall Manufacturing Company, in West Elgin and part of East Elgin.

Q. Does that occasion your travelling around?

A. Yes; I am travelling all through the country; I have been all through the country—all round.

Q. It gives you an opportunity of hearing?

A. Yes.

DOUGALD FERGUSON, called by Dr. McMichael, sworn.

Q. Where do you live?

A. Township of Southwold.

Q. Do you know Dr. Cascaden?

A. Yes, sir.

Q. How long have you known him?

A. I think twenty or twenty-five years.

Q. Do you know anything of his reputation for veracity, for truth-telling?

A. His reputation is not very good.

Q. Do you know about it?—have you heard about it?

A. I have.

Q. On his reputation for veracity, looking at that and considering what you have heard, would you believe him on his oath?

A. Not unless it was supported by other evidence, corroborative evidence.

Q. Are you a Conservative?

A. No, sir.

By Mr. BLAKE.—Q. Are you any connection of Dr. Cascaden's?

A. A sister of mine married Dr. Cascaden at one time; his first wife was my sister.

Q. Then you were a brother-in-law of Dr. Cascaden?

A. Yes, sir.

Q. Are you on terms of friendship with him ?

A. Well, I hardly know how to answer that question.

Q. I would have thought you would have found it the easiest question that could have been asked of you while you were in the box ?

A. I don't know what you mean by friendship ; of course I have had nothing, but very little, to do with him for some time.

Q. How long ?

A. Oh, eight or ten years.

Q. Do you visit at his house ?

A. No, sir.

Q. Does he visit at yours ?

A. No, sir.

Q. Does your family visit at his family's ?

A. No, sir, not that I know of.

Q. It is not done with your permission if it is done ?

A. No ; it is not done at all ; I know it is not.

Q. He is a bitter personal enemy of yours ?

A. No, sir, not that I know of.

Q. Were you ever License Commissioner ?

A. Yes, sir.

Q. Did you retain the office ?

A. No, sir.

Q. How did you come to lose it ?

A. I couldn't tell you.

Q. You have charged Dr. Cascaden with getting you dismissed, haven't you, since he was elected ?

A. I was not dismissed.

Q. Well, that it was not renewed ; when the year ran out that you were not placed in the position of License Commissioner ?

A. I probably did say that, I don't know.

Q. Did that increase your kindly feeling towards him ?

A. No, nor it did not decrease.

JAMES McLAUGHLIN, called by Dr. McMichael, sworn—

Q. Where do you live ?

A. Fingal.

Q. Do you know Dr. Cascaden ?

A. I do.

Q. Do you know anything of his reputation for veracity ?
A. Well, I know his public reputation is bad.

Q. I did'nt ask you that ; I asked you if you knew about it ?
A. Yes, I do.

Q. From his reputation for veracity would you believe him on his oath ?
A. I would not.

Q. You are a Reformer, I believe ?
A. I am, sir, always voted Reform.

By Mr. Blake—Q. And a supporter of Dr. Cascaden's I believe ?
A. Not at the last election.

Q. Then you never had any difficulty with Dr. Cascaden, Doctor ?
A. Not particularly, no further than this, not in a private matter of mine, in a business matter.

Q. But you had, although not particularly, you had in the general, some little difficulty ?
A. I can relate what occurred between the Doctor and I that caused me to say that I have no confidence in his integrity.

Q. Kindly say that ; just begin with this ; that took place when ?
A. Well, as regards the year I could'nt tell you, but it is several years ago.

Q. I am told that it was either the end of 1881, or the beginning of 1882 ?
A. Oh, it was long before that.

Q. You say several years ago ?
A. Yes, eight or ten years ago, I could'nt say just the exact date or the exact year.

Q. Did you ever vote for Dr. Cascaden ?
A. I did when he was elected first.

Q. After this difficulty took place ?
A. Yes.

Q. Once ; did you ?
A. Yes.

Q. Once only ?
A. Yes.

Q. Recently you did not vote for him ?
A. I did not vote for him at the last election.

Q. Until the time that you had this, I don't know what you will call it ; will you diagnose it ?
A. Well, he came to my office and told me a falsehood.

Q. What shall we call it if it was not a difficulty; will you diagnose it without a fee and give me the proper term to apply to it?

A. Well, when I said difficulty, I mean in a real business transaction.

Q. We will call it then just in the abstract; before this difficulty with you, you did not doubt his word, as I understand?

A. Yes sir, I don't know that I knew a very great deal of him; I had no personal connection with him.

Q. Whether you knew much or little, you did not, until you got in with this difficulty with him?

A. Well, I don't know that I had much occasion to do so until he violated his word with me, personally.

Q. Whatever may be the reasons, and these I am not asking you for, you did not doubt his word, whether you had much or little reason or occasion, until this difficulty in 1881, which opened the Doctor's character to you?

A. And his reputation as well.

Q. Since that period?

A. Yes.

Q. Now, then, you were going to tell us what the difficulty was?

A. Do you wish me to tell you.

Q. If you kindly will, yes?

A. He came to my office one evening and said he had a patient in Dunwich that required an operation, required an amputation from the fracture of her lower extremity, and he asked the loan of my instruments; I said, "Doctor, when I lend my instruments, when my instruments are used, I expect to be benefited by it;" true, he says, "and so should I, but," he says, "this man will have nobody in consultation, or to assist me but Dr. Wilson."

Q. He asked you to lend your surgical instruments?

A. He asked me to lend him my surgical case.

Q. And your answer was, "I will not, that I expect to be benefited by it?"

A. Well, in other words, when they are used, I expect to be benefited by it.

Q. You expect to be the hand to use them?

A. No, I don't, but I expect to be the assistant.

Q. That was a gentle little reminder that you wanted something in your pocket?

A. Well, a great many of us do that; I could not afford to buy a set of instruments and have them used without.

Q. Then you did say that to him?

A. He said to me, that the patient wouldn't have anybody else but Dr. Wilson to consult with him, therefore he concluded that my good nature or something of this kind, would overrule, and loan him my instruments; as for my nature I don't know that it is very good, I guess a good many know that, and I said, certainly I will, Doctor, and he took my instruments and went directly from my office to Dr. Fulton's in Fingal, and took him with him to assist him in performing the operation, and when he got up there the man would not have the operation performed, and Dr. Wilson was sent for the next morning, and the operation was not performed and the woman got well. I saw Dr. Wilson when he was returning next morning, and he told me——

Q. Never mind what Dr. Wilson told you?

A. I beg your pardon.

Q. Did you get the instruments back?

A. I did.

Q. Did you get any fee?

A. I did not expect any fee when I lent them; I did not loan them for that purpose.

Q. Was there anything else that took place between you and the doctor?

A. Yes, there was.

Q. In regard to that particular matter?

A. No, nothing more than than that he told me a falsehood on that occasion.

Q. You have not been on as friendly terms since then?

A. Well, I don't know that we were on very friendly terms at any time, not on extremely friendly terms.

Q. It has deepened a little bit, the pit between you?

A. Yes, quite a bit.

Q. Did you vote for him after that?

A. Yes, I did.

Q. It was just the good cause, I suppose, that led you up to the poll?

A. Well, I voted any way.

Q. Then had you any other difficulty between you and him?

A. Yes, what he told me about those charges that were brought against him.

Q. You had some talk with him about the charges?

A. I had in my office, and he told me that those charges were unfounded, and that he would clear them up as white as the driven snow whether he was elected or not.

Q. Do you remember what year that was?

A. Yes sir, it was the year 1879, just shortly before he was elected.

Q. And you voted for him?

A. I voted for him then.

Q. Had you any further conversation with him?

A. Not of any import that I remember.

Q. These are the matters that have been making and widening the gulf between you and the doctor, and you are not, I believe, on speaking terms.

A. We have not been for some time.

Q. And this is a good chance of having a hit at him ?

A. Well, I came here unwillingly.

Q. Do you not recollect having any other little difficulty between the doctor and yourself ?

A. Nothing more than that he acted unprofessionally towards me, and called to see a patient of mine.

Q. I wonder that you did not let me know that, because that is such a fearful sin that I thought you would have let me know that first ; you have got a code of etiquette—the medical men—that one doctor is not to call on the patient of another ?

A. He is not expected to without the knowledge.

Q. Sometimes a benevolent man, not desiring to see one die, will call and do one good, and yet you still think that is shooting over your preserve ?

A. Probably his pocket touching him more than his benevolence.

Q. That is a very unkind thing to say of a brother practitioner ?

A. They are not very apt to go very far out of the road—not very apt to go many miles for benevolence.

Q. What was the sin that he committed ?

A. This patient of mine was a man that had been very sick, on what is called the Gore of Southwold.

Q. He had been very sick notwithstanding that you were attending upon him ?

A. Yes, I attended upon him.

Q. Did he get sicker ?

A. No, he got better.

Q. Still he was very sick ?

A. Yes, he was very ill.

Q. Being in this state, and you attending upon him, what took place ?

A. Well, he recovered from the sickness he was laboring under then, and he went out and took cold, and an inflammatory disease set in, and, owing to his weakened condition, he was laid up for many weeks.

Q. You were attending him the time before he went out and got cold ?

A. I attended him in the first place for inflammation of the bowels, and he got better ; Dr. McLarty was called in consultation with me then ; in the first place he asked to call Dr. Cascaden.

Q. Who did ?

A. Mr. McLaughlin ; I said, very well, call him if you wish.

Q. He was the person that was ill ?

A. Yes.

Q. A namesake of your own ?

A. Yes ; he asked to call Dr. Cascaden or Dr. McLarty.

Q. You first said Dr. Cascaden.

A. Yes, I did first.

Q. What did you say when he said to call Dr. Cascaden?

A. I said he was at perfect liberty to call him.

Q. What would you do if he called him?

A. I would have consulted with him?

Q. Did he call him?

A. No.

Q. Did you call him?

A. No, it was his privilege to call him.

Q. Did you see Dr. Fulton?

A. No, sir, I did not.

Q. Didn't Dr. Fulton come in?

A. He did afterwards, but not then.

Q. He was the doctor that was called in, and not Dr. Cascaden?

A. No, McLarty was the doctor that was called in, and not Dr. Cascaden.

Q. What took place then?

A. Well, he recovered from the inflammation of the bowels, and he went out and took cold, and pleurisy took place; inflammation took place in the pleural cavity, and he asked again about having the consultation, and I said, "Yes, you are at liberty to have anyone that you please," and he took Dr. Gustin then; he spoke of Dr. Cascaden at this time again, and then he took Dr. Gustin, and Dr. Gustin and I attended the patient together.

Q. Where was Dr. Cascaden at the time that Dr. Gustin went?

A. I don't know.

Q. Don't you know that he was in Toronto?

A. I don't know where he was.

Q. Try and think that over?

A. I am telling you just what I know.

Q. I want you to tell me all that you know?

A. I will tell you all that I know.

Q. Was not Dr. Cascaden in Toronto at the time?

A. I have answered that question; I did not know where he was at the time.

Q. Now, don't you know that at that time he was in Toronto?

A. No, I can't say that I do; I might have known if I had given it a thought; but this man, why did he ask to have him called if he did not know that he was at home—and his son had been studying with him?

Q. At all events Dr. Gustin was called in ?

A. Yes.

Q. I want you to get at the wrong that Dr. Cascaden did ?

A. Well, the wrong that Dr. Cascaden did, after he was set aside two or three times, and Dr. Moore taken his place once—Dr. McLarty first, Dr. Gustin the second time, and Dr. Moore the third time—then he went of his own accord and saw the patient.

Q. When he returned ?

A. Certainly ; he could not have done it before.

Q. And how long was that after Dr. Gustin's visit ?

A. Dr. Gustin and I, we visited there together the last time.

Q. And in the meantime Dr. Cascaden had gone in and seen the man ?

A. Yes sir.

Q. That was, I believe, a very wrong thing for a doctor to do ?

A. Well, it is not customary.

Q. It is looked upon as an unpardonable sin in medical science ?

A. Oh, I don't know.

Q. Very near it, isn't it ?

A. I don't know that it is.

Q. Did you ever know it forgiven in your life ?

A. Yes, I have known it.

Q. Have you forgiven it yourself ?

A. Yes sir, I have.

Q. More than once ?

A. Well, I would not swear to that ; I might have done it a good many times.

Q. Did you have any words with Dr. Cascaden about that ?

A. No, sir.

Q. It was too black a thing even to talk about ?

A. I didn't meet him at all in the matter, and had nothing to say in the matter at all.

Q. Have you spoken to him since ?

A. I wouldn't say whether I passed the time of day or not ; if I did I didn't do anything else.

Q. That gulf has widened so that no human power can cross it ?

A. I wouldn't say that.

Q. You are of a sanguine disposition ?

A. Yes, I am not quite so full of hatred as that.

Q. It would require a pretty large stomach pump to empty you of it ?

A. Pretty powerful, too.

By Dr. McMichael.—Q. You have had things in your own knowledge to make you disbelieve his word?

A. I have.

Q. Are these the only reasons why you disbelieve his word?

A. Well, I have given you the reasons why I disbelieve his word, and I don't know anything else.

Q, My first question was his general reputation; my learned friend has put off on the small private matters; are those private matters all you speak of, or do you now reject his general reputation?

A. Didn't I answer that question in the first place?

Q. Do you still adhere to that answer?

A. That I would not believe him on oath, have you reference to that?

Q. On his general reputation?

A. No, I would not.

D. J. Hughes and Ewan Cameron were called by the sheriff on their subpœnas, but did not answer.

Dr. McMichael.—At the close of the examination the last day, I made a mistake; and I must ask your Lordships to pardon me for it. There was one witness that I should have called, and I knew he was here, but I had forgotten it; he is not one connected with this reputation at all, one of those whose names were given. On the early part of the case, Mr. Blake asked me for a book that Mr. Meek had spoken of, and I said I would produce the witness with the book.

The Court.—Mr. Meek's book?

Dr. McMichael.—Yes; I ask your Lordships to allow me to produce these books now.

The Chairman.—I suppose Mr. Blake would not object.

Mr. Blake.—I understand from my learned friend that is the only further witness he has?

The Chairman.—There is another on the list—Jones; have you not got him here?

Mr. Meek.—Mr. Jones was allowed to go north on the train, and he has not returned yet. I have been to the hotels and could not find him.

Mr. Blake.—I do not know how long the examination of the book will take, but so far as this branch of the case is concerned, we have subpœnaed a very large number of witnesses, and it is a matter of very great moment to them to get home at the very earliest moment.

The Chairman.—The book can be put in evidence after these witnesses have been examined.

Dr. McMichael.—I wish to put in the witness simply to verify the book and state what happened.

Mr. Blake.—But I may have to examine him upon the entries and all those other matters?

Dr. McMichael.—I assure you you won't want to trouble yourself about the entries.

The Chairman.—I cannot tell how long the examination may take; we are sometimes very much deceived; however, the witness can be here; he is in town.

Mr. Blake.—We have thirty-four, and I want that they shall get away as soon as possible.

The Chairman.—There are no more witnesses now for Mr. Meek except the clerk and the book.

Dr. McMichael.—We have them, but I understood we could not produce them; there are witnesses we have procured, but I said that I would only produce those five, and I stand to my word; if your Lordship would hear more, of course we would produce them; they are here now.

The Chairman.—Go on, Mr. Blake.

Mr. Blake.—I have eighteen witnesses in regard to the character of Mr. McKim; I would have myself thought that it was utterly unnecessary to call these or any of them, but they are here, and I shall call them if the Commission desire to hear them. I would have thought the character had not been impeached at all, and it was entirely unnecessary.

The Chairman.—You will have to call them.

Caleb Lowes, called by Mr. Blake, sworn:

Q. Do you know the reputation of Robert McKim, the member, for veracity in his neighborhood?

A. Yes, sir.

Q. From that reputation would you or wouldn't you believe him on his oath?

A. I would.

By Dr. McMichael.—Q. You live near him?

A. Yes.

Q. How far from him?

A. Two miles.

Q. Are you a Reformer or Conservative?

A. Well, I claim to be a man who votes for good measures.

Q. Then you are not a Reformer?

A. I mostly vote on the Reform side.

Q. You never heard anything against his reputation, then, for veracity

A. No, sir.

Q. Never heard any one say that he rather told untruths?

A. No, sir.

Q. Never did?

A. No, sir.

Q. Then these reports that they speak of never came to your ears?

A. Oh, I have heard flying reports since this Court opened.

Q. But before that?

A. No, sir.

Q. We will say during March, did you hear there were people who had doubts of his veracity?

A. No, sir.

Q. No one?

A. No, sir.

Q. You never spoke to any of the witnesses that have been subpœnaed here?

A. No, sir.

Q. Or others whose names have been given?

A. Why there are men here that I know here as witnesses; I spoke to them, but not much on any subject as regards his veracity.

Q. You read the papers a good deal, I suppose?

A. Well, general reading, I do.

Q. What papers do you take?

A. Well, I take the *Christian Guardian.*

Q. Do you take the *Globe?*

A. I do.

Q. Any other?

A. Yes, sir.

Q. What other?

A. *Northern Messenger;* sometimes I take the Western papers.

Q. You don't take the *Mail?*

A. No, sir.

Q. How long have you lived there?

A. If my memory bears me right, twenty-seven years.

WILLIAM BLACKWELL, called by Mr. Blake, sworn:

Q. Where do you live?

A. Township of Peel.

Q. How far from Mr. Robert McKim?

A. I suppose about two miles around, a little less across; I have known him since he came to Peel, twenty or thirty years.

Q Do you know his reputation for truth-telling there?

A. I think I do.

Q. From that would you believe him on his oath?

A. I would, sir.

By Dr. McMichael:

Q. His reputation has always been good, has it?

A. Well, except—I don't know what to say about this scrape that was in Toronto—whatever happened here this last little while; I know nothing about them things any more than I read in the papers.

Q. You only read the *Globe*?

A. No, sir, it is the *Mail*, I draw not the *Globe*; I read the *Mail*.

Q. You never heard anything against him?

A. Not that I am aware of except what is here about Toronto.

Q. I want to know what you know about him up there, and what you hear about him. I don't mean what you know about him yourself, personally; you never heard a man say there that he would tell little fibs?

A. Well, I may have heard such talk; there is hardly a man in public office but you would always hear something of the kind, but I couldn't recollect who I heard it from.

Q. Have you heard anything against his truth-telling—no matter whom you heard it from—reports from people that he would not tell the truth?

A. Well, not exactly; they might, in little fibs or jokes through the country, there might be some talk; I couldn't recollect.

Q. Then, the idea is that he will tell little fibs?

A. Well, then the people will say so, but then I don't believe it.

Q. More than one person says so?

A. Well, there is no man in public office, but they do say it.

Q. Is there a good deal being said about his not being truth-telling?

A. Very little.

Q. It is sometimes?

A. Very seldom.

Q. You have heard it?

A. I have heard some talk.

Q. More than once?

A. I might have heard it once or twice, but I did not believe it.

Q. Are not there stories going about that rather affect his veracity?

A. Well, some say that he should not have taken this money in Toronto, and such things as that.

Q. The point is this, you have heard a good deal of his character during election; not during election but other times, are there not people that you know that would not believe him?

A. Well, so far as to say I don't know that I ever heard the report.

Q. Don't you know that there are people that would not believe him?

A. Well, I don't think I ever heard a report touching his character.

Q. Don't you know that there are people that would not believe?

A. Ask me that question again, please; I have not a good memory, and my head is not good.

Q. You are a great friend of his?

A. Well, friends and neighbours all the time since we came there.

Q. You vote for him, I suppose, always?

A. No, sir, I don't, not all the time.

Q. Are you one of those that receive benefits from his public movement?

A. No, sir.

By Mr. BLAKE.—Q. You are a Conservative, I believe?

A. Except sometimes; I vote generally for Mr. McKim; sometimes I don't and sometimes I do.

Q. You are still a Conservative in your politics?

A. Oh, in my politics, as far as that goes, I was always brought up, and except of my being a neighbour, and him a friend of mine, I change to him sometimes.

Q. You have not changed to the extent of taking the *Globe* instead of the *Mail*?

JAMES BURNS, called by Mr. Blake, sworn:

Q. Where do you live?

A. Peel.

Q. What distance from where McKim lives?

A. About three miles.

Q. How long have you known him?

A. Twenty-seven years I think, or somewhere about that.

Q. Are you any relation to Mr. Gavin Burns that was examined the other day?

A. Yes, sir, my brother.

Q. Has Mr. McKim a reputation in the neighbourhood for truth-telling?

A. He has.

Q. Do you know that?

A. As far as I know.

Q. From that knowledge would you believe him on his oath or not?

Q. Yes, sir.

By Dr. MCMICHAEL.—Where do you live?

A. Bosworth.

Q. What is your business?

A. Farmer. Work on a farm.

Q. Do you own it

A. No.

Q. You used to own a farm?

A. Yes, sir.

Q. You have lost it?

A. Yes, sir; sold it.

Q. Now you work on a farm—do you mean as hired man?

A. Yes.

Q. Have you been in any business transaction with McKim

A. Yes, sir.

Q. There was a time, wasn't there, when McKim had some trouble with his creditors?

A. Last winter.

Q. Were you one of those who assisted him at that time?

A. No, I did not assist him at the time.

Q. Wasn't he engaged in concealing his grain in some barn or other?

A. Not that I know of.

Q. In Gavin Burns' barn?

A. No, not that I heard last winter; I don't know anything about it.

Q. You don't know that he concealed it in Gavin Burns' barn, and that you helped him to do it?

A. No, sir.

Q. Did you help him at that time to remove his grain?

A. No, sir.

Q. Did you work for him?

A. No, sir, not last winter; I have changed work with him years ago.

Q. But now?

A. No, not that far back.

Q. Who do you work for now?

A. Just now no particular one.

Q. Are you hired out by the month?

A. No, sir; jobs generally by the day.

Q. Whom are you working for now by the job?

A. I have none now.

Q. Gavin Burns is a brother of yours?

A. Yes, sir.

Q. He and McKim are friends, are they?

A. I guess, as far as I know.

Q. Do you know about McKim concealing his grain in the barn of Thomas Burns?

A. No.

Q. Do you know Thomas Burns?

A. Yes; I guess I know one Thomas.

Q. Do you know there was a search for some of McKim's property and it could not be found?

A. I did not hear of it.

RICHARD BOYLE, called by Mr. Blake, sworn:—

Q. Where do you live?

A. Peel.

Q. What distance from Robert McKim?

A. The side road passes between his property and mine.

Q. How long have you known him?

A. From eighteen to twenty years, thereabouts.

Q. Do you know his reputation for truth-telling in your neighbourhood?

A. Yes, sir.

Q. From that would you believe him under oath?

A. I would.

By Dr. MCMICHAEL:—

Q. You have known him some time?

A. Yes, sir.

Q. Are you a Conservative?

A. Well, part of one; I vote both ways sometimes.

Q. You always vote for McKim?

A. Yes.

Q. You have done some friendly acts for him?

A. I used to do some friendly turns for him.

Q. Did McKim do anything for you?

A. Labouring back and forward we were neighbours, and one helped the other back and forwards.

Q. You never heard anything against his reputation?

A. Not that I could say was the truth.

Q. You did not believe it?

A. No I did not.

Q. Did you hear it?

A. I heard lots of stories about several people.

Q. What did you hear about him—or have you heard stories about him?

A. Well, I can't tell you what I did hear about the man in that length of time.

Q. Have you heard stories about him affecting his reputation for veracity?

A. I have heard the last twelve months people grumbling about it.

Q. In what way?

A. Well, some parties that lost some money through his failing, they grumble a little about it.

Q. Did you lose money through him?

A. I don't know whether it is lost or not; I did pay some.

Q. Have you got it back again?

A. No.

Q. You don't know whether it is lost or not?

A. No.

Q. There are some hopes for you?

A. Yes, hopes.

Q. Have you heard anything else about his telling untruths?

A. No, sir; I can't say that I have.

Q. What is your occupation?

A. Farmer.

Q. You have a farm near him?

A. Yes, just across the road from him.

Q. How long have you been farming there?

A. Somewhere in the neighbourhood of about eight years on that farm.

Q. During that time you said you lost money; did you lend it to him?

A. No, sir.

Q. How then?

A. I endorsed a note for him and done some work for him?

Q. A good many complain of that?

A. Yes, there are some.

Mr. Blake calls John Harcourt.

Dr. McMichael.—The name is not on the list.

Mr. Blake.—Do you object to him.

Dr. McMichael.—I suppose I ought.

Mr. Blake.—You ought, but will you?

Dr. McMichael.—I ought to follow your example.

Witness stands down.

John Allan, called by Mr. Blake, sworn—

Q. Where do you live?

A. Township of Peel.

Q. What distance do you live from where Mr. McKim lives?

A. About a mile, I should think.

Q. How long have you known him?

A. A good many years, as many as twenty years I guess?

Q. Do you know his character for truth-telling in the neighbourhood?

A. Well, I know it pretty well, I think so.

Q. From that, you would believe him on his oath?

A. I would, sir.

By Dr. McMichael.—Q. Did you ever hear anything against his character?

A. No, not that I am aware of.

Q. You have never heard that he was a little given to fibs?

A. No, I did not.

Q. You never heard anything of the kind?

A. No.

Q. And that is the character he bears all through the county?

A. Well, I think so; of course there has been remarks since the man failed in business; there has been a great many statements one way or the other, but I dont know nothing about those.

Q. Those are the statements we are speaking of; there have been statements respecting him?

A. Well, very little that I could hear, very little that I ever heard.

Q. How do you know they have been if you never heard them?

A. Well, just very little, I say.

Q. By different people?

A. No, I did not hear many people speak; I was always minding my own business; I don't interfere with other people's business.

Q. You don't pay attention to anything that is said?

A. No; so far as I am concerned, I believe the man on his word and oath both.

Q. So far as you are concerned you don't know much about his reputation generally

A. Well, I am pretty well acquainted with it, and I credit the man.

Q. Do you know the reputation he bears through the country generally?

A. Well, I am pretty well acquainted with it, I think.

Q. You have heard of it?

A. Yes, I think it is very good.

Q. You never heard anything against it?
A. No.

Q. I mean against his character for veracity?
A. Against his character, yes.

Q. You say since he failed there might be little statements?
A. Little frivolous statements about the man breaking down in business.

Q. About people who had suffered by it?
A. I don't know who had suffered by it.

Q. Is that by people who had suffered by it?
A. No.

Q. From others?
A. Yes.

Q. From people who had not suffered?
A. Yes.

Q. What was the character of these frivolous statements?
A. Nothing more than to say that the man broke down in his business.

By Mr. BLAKE.—Q. Are you a Reformer or Conservative?
A. A Conservative.

Q. You don't read the *Globe*?
A. No.

Q. You do read the *Mail*?
A. No, I don't take either of them.

PETER MCEACHREN, called by Mr. Blake, sworn:—

Q. Where do you live?
A. I live at Parker.

Q. What distance from where Mr. McKim lives?
A. I live on the corner of Mr. McKim's farm.

Q. How long have you known him?
A. I have known him for about eight years, slightly over eight years.

Q. Do you know anything about his reputation for truth-telling in the neighbourhood?

A. I never heard anything to the contrary; I never heard that he was not a truth-teller; just what I hear generally.

Q. From that reputation in the neighbourhood would you or would you not believe him on his oath?

A. I would believe him, certainly.

By Dr. McMichael.—Q. What is your occupation ?

A. I am a public school teacher.

Q. You live on the corner of McKim's farm ?

A. Yes sir.

Q. You don't board with him ?

A. No sir.

Q. You live on his farm free of rent ?

A. No sir, I don't.

Q. Do you know much about his general reputation ?

A. Just as a neighbour.

Q. You are not among business men at all ?

A. I don't go very far from home.

Q. You haven't much to do with business men ?

A. No.

Q. Just occupied in school teaching ?

A. Yes.

Q. Therefore he may have a great deal said against him that you would not know a great deal about ?

A. In places I don't frequent of course they might speak against him, that I don't hear.

Q. You know, of course, that he has failed in business ?

A. Yes sir.

Q. I suppose you have not seen many people who have had dealings with him, or who have suffered by him ?

A. Only those living in the neighbourhood.

Q. So that you don't know much about his general reputation ?

A. No further than around home there.

Mr. Blake.—That is, any further than in his neighbourhood ?

A. In his neighbourhood.

Dr. McMichael.—You are a Reformer, I believe ?

A. I am a Reformer.

Thomas Whale, called by Mr. Blake, sworn :—

Q. Where do you reside ?

A. Peel.

Q. What distance from Mr. McKim ?

A. Somewhere about four miles ?

Q. How long have you resided there, or how long have you known Mr. McKim?
A. Well, I suppose it would be over twenty years anyway.

Q. Have you ever been in the Council there?
A. Yes sir.

Q. For many years?
A. Two years, I think.

Q. Do you know Mr. McKim's reputation for truth-telling in the neighbourhood?
A. Yes sir, I think so.

Q. From that would you believe him on his oath?
A. Yes, I would.

By Dr. McMichael.—You never had any personal reason to disbelieve him?
A. No, sir.

Q. Never?
A. None at all.

Q. You have never heard anything against him?
A. Well, I hardly know how to answer that question; as far as hearing anything, there are very few folks but you will hear something against; I don't recollect ever hearing any person say that Mr. McKim's word was not good.

Q. You have heard something against him?

A. Well, at the time of the failure last fall there were flying rumours that he had not done right; that would be against him I suppose.

Q. You did not believe any of those rumours?

A. Well, I could not say; as far as believing the rumours, whether he did right or wrong, it is not for me to say; I could not be judge in that matter; I did not believe that he wilfully done wrong.

Q. Then there were rumours, but you did not believe them?
A. Well, I don't know how to answer that question.

Q. Did you ever hear him take an oath in court?
A. Not in any court.

Q. Did you ever hear him take an oath?
A. I have heard him take an oath of qualification in the Township Council.

Q. Did you ever hear him take any other oath?
A. Not to my knowledge; I don't recollect any other.

Q. Do you remember his being examined in regard to his property?
A. I don't know anything about that.

Q. You don't know what he swore, whether he had or had not property?
A. No, sir, I don't know anything about it.

Q. Did you ever hear of it?

A. I heard there was something at the division court, but I was not there, and I did not know anything further about it than that he was there.

Q. Did you ever hear that he put his property out of his hands and put it in his wife's, and then swore that he had none?

A. No, sir.

Q. What was it you heard then with regard to his statement?

A. I know nothing with regard to his property at present.

Q. I mean, what did you hear about it?

A. Well, I don't know as I ever heard anything in particular, any further than I heard he had failed in business and the property was bought again, or he was going on with it; I couldn't tell you how it was.

Q. There were pretty grave suspicions as to how he had dealt with his property?

A. Well, I don't know, as far as suspicion goes, of course perhaps those that he could not meet his engagements with, would have suspicions about him; I had none.

Mr. BLAKE.—Q. You have heard no flying rumours as to his honesty or veracity?

A. No.

Dr. McMICHAEL.—Q. You are a strong Grit, I believe?

A. I vote on the Reform side, sir.

SAMUEL PASTER, called by Mr. Blake, sworn.

Q. Where do you live?

A. In Peel.

Q. What distance from McKim?

A. About half a mile.

Q. How long have you known him?

A. About twenty years.

Q. Do you know his reputation for veracity in the neighbourhood?

A. I have never found him anything but honest and straightforward.

Q. You know his reputation?

A. Yes.

Q. From that would you believe him on his oath?

A. I would, sir.

By Dr. McMICHAEL.—Q. Do you know anything against him at all?

A. No, sir.

Q. Never heard anything against him?

A. No, sir.

Q. Not even in his late failures, you heard nothing?
A. Oh, I heard of his failure, of course.

Q. I mean, you heard nothing about his character during that time?
A. No, sir.

Q. He has always been counted as a truth-telling man?
A. Yes.

Q. Do I understand you live near him?
A. Yes.

Q. Had business dealings with him?
A. Yes, sir.

Q. You did not suffer with his failure?
A. Probably I did, some.

Q. Was yours an endorsed note also?
A Yes.

Q. Did you pursue him, and try and find out where his property had gone to?
A. No, sir.

Q. Were you present when he was examined?
A. No, sir.

Q. You were not one of those who were present to find out where his property had gone?
A. No, sir.

Q. Your loss was not great?
A. It was some considerable.

Q. Are you a partizan of his—do you vote for him?
A. Sometimes.

Q. Reformer?
A. Yes, sir.

Q. You never heard anything against his character at all—never heard any flying rumours?
A. No, sir.

Mr. Blake.—Q. How much did you lose—how much were you endorser for?
A. $500.

Dr. McMichael.—Q. You expect to be paid?
A. No, sir.

John Binns, called by Mr. Blake, sworn.

Q. Where do you live?
A. Township of Peel.

Q. What distance from McKim?
A. About a mile and a half.

Q. How long have you known him?
A. Twenty-five years.

Q. Do you know his reputation for truth-telling in the neighbourhood?
A. Yes, sir.

Q. From that, would you believe him on his oath?
A. I would, sir.

By Dr. McMichael.—Q. You never heard anything against him?
A. No, only flying rumours at the time he broke down.

Q. What were those flying rumours?
A. Nothing very serious, only some lost a little money by it; I did not lose any.

Q. Did any of your people lose any?
A. No, sir; not that I know of.

Q. Hadn't you a brother-in-law who lost a little?
A. Brown; yes, I think he did.

Q. Is he here as a witness as to his character?
A. Not that I know of.

Q. Brown was lodged in jail at one time, wasn't he?
A. Well, I believe he was one night.

Q. Do you know through whom?
A. I don't.

Q. You don't know anything about that transaction?
A. No, sir.

Q. You heard complaints from whom?
A. Well, very little.

Q. What were the complaints?

A. Well, I don't know as he said anything very particular at all, only he said that he had lost some money by McKim.

Q. Was it through his own misdoing he got in jail, or through McKim?
A. I couldn't tell you.

Q. Then your brother-in-law has suffered a little?
A. Yes, I think he has.

Q. Through McKim?
A. Yes.

Q. Through McKim's truthfulness, or the other side?

A. Oh, I could not tell you what way it was; he told me he lost a lot of money by McKim.

Q. Did he tell you he got in jail by McKim?

A. No, sir.

Q. You know he was put in jail?

A. Yes, I knew he was there.

Q. Are you a supporter of McKim's?

A. Yes, sir.

Q. You never heard, except flying rumours, and you can't tell what they were; anything against his character?

A. No, sir.

Q. And of all the people that have heard, it did not come to your ears?

A. No, sir.

Mr. Blake.—Q. In the flying rumours, did you hear anything against his veracity or honesty?

A. No.

Garret Cavanagh, called by Mr. Blake, sworn.

Q. Where do you live?

A. In Arthur Village.

Q. How far from where Mr. McKim lives?

A. I suppose it would be about four miles.

Q. How long have you known him?

A. I know him for several years, I guess eighteen years, about eighteen years.

Q. Do you know his character for truth in the neighbourhood?

A. I would not suspect him for anything but what is honest and fair.

Q. You know his character?

A. Yes.

Q. From that character would you believe him upon oath?

A. I would.

By Dr. McMichael.—Q. You have had benefits from McKim—McKim has done you benefits?

A. Well, I don't know that he done me much benefits.

Q. He has got land for you?

A. No.

Q. Then you never got any benefit from him?

A. Not that I know of, in that way.

Q. You never heard anything against his character?

A. Well, I don't think I ever did.

Q. Then any remarks that have been made about him haven't reached your ears?

A. Oh, of course newspaper news every week, I am not going to go by that, hearsay, what persons speak. Some people, if you do them the greatest favor in the world, behind your back they can't give a good word of you; I am not going to swear to the like of that.

Q. There are such hearsays? Are there?

A. Well, I suppose there is by some.

Q. About him?

A. About him, yes.

Q. You have heard them?

A. I have heard some about him.

Q. Anything about his truth-telling?

A. I heard nothing; heard nothing about him at all wrong.

Q. Those rumours that you heard, what were they?

A. By people that he borrowed money of, or the like of that.

Q. And promised to pay?

A. Well, I suppose he promised to pay.

Q. And didn't pay?

A. I couldn't say.

Q. Then there wouldn't be any complaints?

A. That would be some time: I couldn't say; he maybe paid it for all I know.

Q. There was a time there were several complaints that he did not fulfil his promises?

A. Well, I couldn't exactly answer that.

Q. Well, that he did not keep his word; that he did not come out with clean hands from his failure?

A. That question I could hardly answer; there is many a man who borrowed money, gets money, and pays it if he is able; all I can answer, I believe McKim would pay, if he thinks he is owing, if he had means.

Q. You think now he has nothing to pay with?

A. Well, I couldn't say.

Q. Is McKim engaged now in getting some lands for you?

A. Not lands, unless land that belongs to me.

Q. He is doing something for you in the way of getting lands?

A. All in the way of doing is, that there was a dispute in a piece of land, and I paid for that piece of land and it was given by the wrong survey.

Q. McKim is acting on your behalf?

A. Well, of course he spoke, I suppose, in my behalf.

Mr. **Blake** calls H. H. Drummond.

Dr. **McMichael** objects, that his name is not on the list, and he stands down.

**Adam Ballantyne**, called by Mr. Blake, sworn:

Q. Where do you live?
A. Arthur.

Q. What is your occupation?
A. General store.

Q. That is some four or five miles from where McKim lives?
A. About seven miles.

Q. How long have you known him?
A. Fifteen to seventeen years.

Q. Do you know his reputation for truth-telling in the neighbourhood?
A. Yes.

Q. From that would you believe him on oath?
A. I would.

By Dr. **McMichael**: Q. I suppose you are a Reformer?
A. Yes, sir.

Q. You vote on that side?
A. Yes.

Q. How many of you have there been that came down together here?
A. Five or six I think.

Q. Who was the person that selected you?
A. I don't know.

Q. You came in Mr. McMullen's charge, didn't you?
A. No, sir.

Q. You have heard nothing, then, against Mr. McKim?
A. No, sir.

Q. Never heard any flying rumours even?
A. Not regarding his veracity.

Q. What was it about then?
A. Only about his failure.

Q. About his honesty?
A. About his failure.

Q. Did it attack his honesty?
A. No, sir.

Q. Only flying rumors about his failure?

A. Yes, sir.

Q. That he failed?

A. Yes, sir.

Q. Was that a flying rumour?

A. It was known generally.

Q. I should think it was a solid fact?

A. Yes, sir.

Q. That was all the rumors heard, that he had failed, and no complaints about it?

A. Complaints from those that had lost.

Q. He some way or other is in possession of a good deal of property that he did own, isn't he?

A. Not that I am aware of.

Q. Has his property all gone to his creditors?

A. I couldn't say.

Mr. Blake calls Rayside, but Dr. McMichael objects that his name is not on the list, and he stands down.

Alexander McCrae, called by Mr. Blake, sworn:

Q. Where do you reside?

A. Township of Peel.

Q. How far from where Mr. McKim lives?

A. About five miles.

Q. How long have you known him?

A. About twenty-six or twenty-seven years.

Q. Do you know his reputation for truth-telling in the neighbourhood?

A. I do.

Q. From that would you believe him under oath?

A. I would.

By Dr. McMichael: Q. You have heard nothing against him?

A. Yes, I heard a little since he failed.

Q. Not before?

A. No.

Q. Well, was that against him on account of veracity?

A. No, it was on account of his failure.

Q. How would that be against him—that is a misfortune?

A. Well, misfortune you may call it, I suppose.

Q. Have you heard any reports affecting his character?
A. No.

Q. What is your occupation?
A. Farmer.

Q. Had you ever much business with him?
A. I had some.

Q. Do you mean buying and selling, or what?
A. Dealing a little in lands. I used to buy lambs and ship for him sometimes.

Q. How long have you attended to that business?
A. Not long, a couple of years only.

Q. Are you still engaged in buying land and shipping for him?
A. No sir.

Q. When did you leave off?
A. Just a little before he failed.

Q. Did you pay cash always?
A. Yes.

Q. To any great extent?
A. No.

Q. You have been in his employment for many years?
A. A couple of years before he failed.

Q. You were engaged by him in buying sheep for him?
A. Buying sheep and lambs.

Q. Was he carrying on a butcher business?
A. No, he was shipping them.

Q. He was in the exporting business?
A. Yes.

Q. You are a farmer, are you?
A. Yes.

Q. You worked at that for him till he ceased to employ you?
A. Yes.

Q. You are a Grit, I suppose.
A. Yes sir.

Mr. BLAKE calls Edward Owens and James McMullen, but Dr. McMichael objects hat they are not on the list, and they stand down.

WILLIAM LODGE, called by Mr. Blake, sworn:

Q. Where do you reside?
A. In Southwold.

Q. How far do you live from Dr. Cascaden?
A. It is within a mile, I think.

Q. How long have you known Dr. Cascaden?
A. Well, say ten years.

Q. Do you know his reputation for veracity in the neighbourhood?
A. Yes, sir.

Q. From that, would you believe him upon oath?
A. Yes sir.

By Dr. McMICHAEL:

Q. You never heard anything about, against his character, then?
A. Oh, nothing positive, nothing personally.

Q. For reputation?
A. Oh, some things, nothing that I could assert and be positive about.

Q. Have there been reports affecting his character for veracity?
A. Well, politically I might have heard something.

Q. You never heard anything of this trial of his?
A. Well, I was not there at all.

Q. Did you hear about it?
A. Well, I knew it was going on, of course.

Q. Did you hear that there was a verdict passed against him?
A. Well, sir, I know nothing about that.

Q. Then you don't know anything about what happened there?
A. No, sir, I never paid attention enough to know.

Q. And you never heard of it?
A. Well, I could not be positive about what I did hear.

Q. I ask you if you heard; you tell us that his reputation for veracity is good?
A. As far as I know myself.

Q. I do not mean as far as you know; I don't ask you if you know him, if you have anything that you know personally against him?
A. That is the way I wish to be understood.

Q. You wish to be understood, what you know of your own knowledge?
A. Yes, since I was acquainted with the man, my dealings with him.

Q. You wish to speak of him of your dealings with him personally?

A. Yes, sir, I do.

Q. And you wish to have your answer limited to that?

A. So as to be certain about the matter.

Q. So that from anything that you know of your own dealings with him you have no reason to disbelieve his oath?

A. Not at all.

Q. Let me understand; I do not want to at all trap you into it?

A. No, sir, I merely wish to tell you what I know as for myself. I wish to speak for what I know.

Q. You wish to speak of your own personal dealings with him?

A. Yes.

Q. Have you had any personal dealings with him at all?

A. Yes.

Q. I what way?

A. Well, I mean in the way of buying and selling grain; for instance, I sold grain to him.

Q. And bought grain?

A. Well, I think I have exchanged with him; however, I have borrowed of him and lent.

Q. With him personally, and from your personal dealings with him, you have no reason to disbelieve him on oath?

A. I think not.

Q. From his general reputation for veracity, you have heard a great deal about him, I suppose?

A. Oh, there has been rumours, no doubt.

Q. There have been pretty heavy rumours, haven't there; haven't there been pretty dark stories about him?

A. Well, sir, I couldn't answer that straight; there might be many of them.

Q. Haven't there been stories about him that have seriously affected his character, if true?

A. Well, the most I have heard is what I heard here to-day; I have heard men speak of him.

Q. Hadn't you heard of his character before? Didn't you know before that there were things said against him? You come here to tell of your own private dealings with him?

A. Yes.

Q. Now I ask you about what you heard of his general character generally from anybody—rumours going about his general reputation?

A. Well, I may say, perhaps not as good as it should be.

Q. It is not as good as it should be?

A. Well, perhaps it is not as good as it should be.

Q. And it affects his character for veracity?

A. Well, not on my part, as far as I am concerned.

Q. It affects his character in this way, that it deepens the reputation that he has with people generally—it affects him, does it not?

A. Well, these men seem to speak like it to-day.

Q. I am speaking of what you heard generally; would you like to have your character spoken of as you know his is spoken of in the neighbourhood and in the counties?

A. Well, if it was without any foundation one could not help it; I am sure I hardly know how to answer that; I wouldn't like to be found fault with if I was not the guilty person, that is sure.

Q. You would not like to have the things said about you that you know are said about him?

A. Well, I did not say that I knew what was said about him.

Q. Well, that you have heard were said about him?

A. Of course I would not like to have the same said about me if I did not consider myself guilty.

Q. The things that you have heard do affect his character, don't they? His character is not without stain as far as veracity is concerned, is it? And don't you know that they are a great many people that would not believe him?

A. No, I don't know that.

Q. Haven't you reason to suppose they are?

A. I don't know it; I would not swear to that.

Q. You would not like to swear that there are people who would not believe him?

A. No, sir.

Q. Isn't there enough said about him to make people doubt his veracity?

A. Well, if they believed it all, perhaps.

Q. If they believed it all it would make them doubt his veracity, unless they believed the whole thing to be trumped up? Are they said by people you have no confidence in? Are these things talked about by men in whom there should be some confidence? Aren't they spoken of by people whose word has some weight? Isn't that so, that these things are spoken of by people whose word has weight and should have weight? or don't you like to answer that question?

A. Well. I hardly know how to answer it; of course I am not well enough acquainted with the matter to know.

Q. You can say whether it is so or is not; there are things said about him by people whose word ought to have weight; I am speaking very generally; aren't there such things as some people would believe?

A. Well, they might if they were prejudiced against him.

Q. Supposing they were not prejudiced, perfect strangers, just hearing the thing, aren't they enough to create an impression against him?

A. Well, hearing one side sometimes a person would not be safe in deciding.

Q. Did you hear of this case in which Judge Hughes and somebody else swore one way and he swore another?

A. No, sir.

Q. Did you hear of that case in which the jury brought in a verdict that he was trying to pass a forged note?

A. Well, I have forgotten it if I did.

Q. So that in coming here to speak of his reputation you have forgotten the things you have heard against him?

A. Well, I would not speak unless I was positive about it.

Q. You do not speak of his reputation at all?

A. Only with myself.

By Mr. BLAKE:

Q. Apart from what you have heard here to-day, what reputation would you believe him upon oath?

A. So far as I am concerned, yes, sir, I would.

Q. And you say that people might believe these things who were prejudiced against, but otherwise not?

A. That is my opinion.

Q. You are Conservative, I believe?

A. Yes.

Q. Do you read the *Mail?*

A. I have.

By Dr. McMICHAEL:

Q. Have you read the *Globe*?

A. I have read a good many of them; I have read the Journal.

Mr. BLAKE:

Q. It is better than the *Globe?*

A. Better than the *Globe.*

WILLIAM CAMPBELL VANBUSSKIRK, called by Mr. Blake, sworn:

Q. Where do you reside?

A. St. Thomas.

Q. How long have you known Dr. Cascaden?

A. About twenty-two or twenty.three years.

Q. Did you at any time occupy any position in St. Thomas?

A. I have been alderman, and also Mayor of the city of St. Thomas.

Q. Do you know the reputation for truth-telling of Dr. Cascaden?

A. Yes.

Q. From that would you believe him on oath?

A. I would.

By Dr. McMichael:

Q. Has he much reputation in St. Thomas?

A. Yes.

Q. He is known very well?

A. Yes.

Q. You have heard of him from a good many people?

A. Yes, quite a good number of people; rumours, flying rumours, from a great number of people.

Q. Have you heard anything against his character?

A. Yes.

Q. A good deal?

A. There was a trial took place in St. Thomas with regard to some forged note—Edgecomb *vs.* Cascaden.

Q. Were you present on that trial?

A. I was not.

Q. Then did you hear about it?

A. I heard that he was tried for that. I did not believe it, though; I looked upon it as a political clap trap for the purpose of injuring the party, or injuring him.

Q. It was against your party?

A, No, not against my party particularly, but against the member for being elected; he is not in my riding; I did not believe it.

Q. You were President of the Reform Association?

A. No sir, never.

Q. The story you heard about him was?

A. That he had forged a note.

The Chairman.—Q. Forged, or attempted to pass?

A. Pass it may have been; I didn't hear the trial, it was simply rumours.

Dr. McMichael.—Who brought the account of it to you?

A. It was simply rumour; I could not say who told me of it.

Q. Reformer or otherwise?

A. I could not say.

Q. Was it a man who didn't believe it, or did believe it?

A. Well, I heard it from a number of people, but I wouldn't be able to say who they were.

Q. Some believe that it was true and others not true?

A. I don't believe that any expression was given in regard to it.

Q. It was generally the fact stated that in the trial he had been found guilty of passing the forged note?

Mr. BLAKE.—As I am instructed, it is not the case. The jury found some special findings.

Dr. McMICHAEL.—They found that he had passed a forged note; they found those words exactly.

Q. It was told you by many?

A. It was told to me at the time of the court.

Q. Did you hear of others, the Campbell case?

A. Yes, I heard of the other, and that is the reason I did not believe.

Q. Were you present at that trial?

A. No, I was not present.

Q. You did not hear of the different oaths that were there?

A. No, but I happened to know about the Campbell affair.

Q. But you were not a witness in it?

A. No.

Q. You have spoken of those two things; did you hear of his reputation otherwise?

A. Yes, it was stated that he had destroyed his wife.

Q. I don't want to go into that—it is rather a black thing?

A. Well, that is the thing that I happen to know all about, and it bears upon his character.

The CHAIRMAN.—Q. That is the Campbell case?

A. Yes, I think Campbell brought the charge.

Dr. McMICHAEL.—Q. When I said of other things, I meant besides the trials?

A. Those are the only things I know of.

Q. You did not hear of his reputation otherwise?

A. I have never heard his reputation for truthfulness questioned in my life.

Q. Did you ever hear it discussed?

A. Never have heard it discussed; well, I must say that I have heard his general character discussed, and that was one of the things that never was touched upon.

Q. Were you here when Mr. Price gave his evidence some time ago?

A. No sir, I was not.

Q. You know there are persons who have said that from his reputation they would not believe him on oath?

A. Yes, I have heard that to-day; I never was aware of it before.

Q. You were not aware that he had such a reputation?

A. No sir, I was not.

Q. You did not know that there had been a reputation through the country that he could not be believed?

A. No, I was not aware of that; this is the first I heard so.

Q. You know the reputation in St. Thomas?

A. I know it around where he lives; I practice in his vicinity.

Q. You never heard it there?

A. No.

Q. If these people speak of it, do you think they are speaking untrue?

A. I think it is a good deal like the Campbell case, for the purpose of injuring him in his contest.

Q. That is the way reports rose?

A. I think so.

Q. The report arose in order to injure him in his contest?

A. Yes.

Q. So that when reports arose contrary to his character, you believed that they were all from political motives?

A. Yes.

Q. Still they existed?

A. At that time.

By Mr. Blake.—Q.—You say you know all about the Campbell matter?

A. Well, I know about the matter; I attended the doctor's late wife during her illness.

Q. The Campbell matter was the charge in connection with that?

A. Yes.

Q. My learned friend said that was a black matter?

A. Yes.

Q. You say you know all about it?

A. Yes, I attended his wife; I attended Mrs. Cascaden in her late illness.

Q. From that you had a knowledge?

A. I had a knowledge.

Q. At whose request did you attend her?

A. I attended her at his request, and also at her own request.

The Chairman.—At his—who—Campbell's?

A. Dr. Cascaden's.

Mr. Blake.—Q. By that means you do know all about it?

A. I do.

Q. Do you know whether all those charges of Campbell's were true?

A. They were perfectly false.

Q. That is your knowledge of the Campbell matter that has been referred to, which has been said to have been a black thing?

A. Yes.

Q. Then with regard to these other statements you have made, you said you thought they were for the purpose of injuring him in his political contest?

A. Yes.

Q. From what was it that you came to that conclusion; was it from the sources from which they came, or how?

A. They came from his opponents, his political opponents, and also from relations of his.

Q. Relations that were on good or bad terms with him?

A. They were on bad terms, owing to the treatment of the Doctor's wife, they stated.

Q. This Campbell matter?

A. Yes.

Q. Did you find statements made by other than those who were political opponents or personally unfriendly to the Doctor?

A. Well, I can't say exactly; if the thing was so, it was a rumour afloat, and I don't know as I would be able to mention any particular names.

Q. When first was it that any statement of the kind was made that you heard of it?

A. During the court, during the sitting.

Q. Had there been up to that time anything said against him?

A. Nothing said that I am aware of.

Q. Notwithstanding the rumours, you still are of the opinion that the Doctor is a person to be believed on his oath?

A. I believe so.

By Dr. McMichael.—Q. You spoke of political enemies—the Campbell's are not?

A. The Campbells are related by marriage, I believe.

Q. They are Grits?

A. I am not sure what their politics are.

Q. Did these stories all originate with persons whose politics were opposed to him—they were not politically opposed?

A. No, I think some of those parties are Reformers.

Q. It was a slander affecting her death, was it?

A. Yes.

Q. Was the slander justified? Do you know how the pleadings were at all?

A. I don't know anything at all about the pleadings?

Q. You were the person who knew with regard to the falsity or truth of the report?

A. Yes.

Q. Thoroughly?

A. Yes.

Q. You were one to whom he could apply to have had the thing clearly testified respecting?

A. Yes, that was his intention, but that charge was withdrawn.

Q. You were there then; you were not called as a witness?

A. No, I was not called.

Q. You say that that charge was not brought up in the court?

A. I believe not, I think not.

Q. Whether it was brought up or not, you were not brought up as a witness?

A. No.

Q. To testify either one way or the other?

A. No.

Q. If it was brought up in the court, he did not call you as a witness?

A. I would have been called, though, as a witness.

Mr. Blake.—Q. Except that had been abandoned, as you believe?

A. Yes.

Q. That was a case for slander, Cascaden *vs.* Campbell?

A. Yes, I think so.

Q. Cascaden brought the action?

A. I would not be sure; it was one of the charges against the Doctor.

Q. It was one of the things Cascaden charged Campbell with having said; did Campbell withdraw it or Cascaden?

A. I think Campbell.

Q. Acknowledged guilty?

A. No, he withdrew that charge.

Q. Don't you see that Campbell was not making the charge. Cascaden was charging Campbell with having said it; now what did Campbell do?

A. I understood it the other way—that Campbell had made that charge against the Doctor.

Q. Yes, and then Cascaden brought an action of libel against him for having said it.

A. I am not aware.

Q. You are aware that Cascaden brought an action against Campbell; now you say you were not brought as evidence?

A. No.

Q. You say that the charge was withdrawn; do you mean that Cascaden didn't press it?

A. I do not know how that is.

David King, called by Mr. Blake and sworn :

Q. Where do you live ?
A. In Southwold.

Q. How long have you known Cascaden ?
A. Twelve or fourteen years.

Q. Do you know his reputation for veracity in his neighbourhood ?
A. Yes.

Q. From that would you believe him on oath ?
A. I would.

By Mr. McMichael—Q. You are acquainted with his character ?
A. Yes.

Q. You have been appointed License Commissioner by him, or through his influence ?
A. I have been appointed, but through whose influence I never inquired.

Q. You are a supporter of Cascaden's ?
A. I am.

Q. Do you know that there have been reports affecting his character ?

A. I know there was a trial with regard to the forging of a receipt or something of that kind—I heard that at least ; I was not present.

Q. You do not know what happened ?
A. No.

Q. What the charges were ?
A. No, I never inquired.

Q. Did you hear anything else except that ?
A. Nothing, except some family quarrels.

Q. Anything else ?
A. Not that I am aware of.

Q. Are you aware that people have said they would not believe him on oath ?
A. I never heard his veracity called in question till to-day.

Q. So that if these stories were afloat in the county, you didn't hear them ?
A. No.

Q. Where do you live ?
A. In Southwold.

Q. How far from where the doctor lives ?
A. Perhaps ten or twelve miles.

Q. You don't know what happened at these trials ?
A. No.

Q. Or the effect they had on his general reputation?

A. No, not his reputation with the general public.

Q. You don't know what effect they had on his general reputation?

A. I believe the general public looked upon them as a means to injure his political standing.

Q. You are a Reformer?

A. Yes.

Q. You didn't hear the evidence at the trial, or what the facts were?

A. No, I didn't hear anything at the trial.

Q. Or what was proved?

A. No, I was not present.

Q. Do you know the nature of the trials?

A. I know he was charged with having forged a receipt.

Q. Do you know also that he brought an action for slander against a man?

A. Yes, there was an action of that kind entered.

Q. Did you understand he withdrew that action and paid the costs?

A. No, I never inquired into that.

Q. You don't know that fact?

A. I don't know anything about that; I knew an action was brought, but I never inquired how it was decided.

Q. You know that he brought an action against Campbell for having made certain statements, and that Campbell pleaded they were true—that he withdrew the action and paid the costs; did you hear that?

A. I heard that Campbell altered the statement to the effect that it was by abuse and not by any violence, or something to that effect; that is about all I know about it, for I looked upon it as political clap-trap.

Q. Did you hear that Dr. Cascaden withdrew the action and paid the costs?

A. No, I did not.

By Mr. BLAKE.—Q. You were at one time Reeve of Southwold?

A. Yes.

Q. Were you in the Council also?

A. Yes, altogether about eight years.

Q. And by that means you had perhaps a larger knowledge of people's character than you otherwise would have had?

A. Yes.

THOMAS HUNTER, called by Mr. Blake, and sworn:

Q. Where do you live?

A. In Southwold.

Q. How long have you known Dr. Cascaden?

A. Somewhere about twenty or twenty-five years; since he was a young man teaching school.

Q. You have been acquainted with him since?

A. Ever since.

Q. You have been in the Council of the township?

A. Yes.

Q. How many years?

A. Three, or four, or five.

Q. And were Reeve once?

A. Yes.

Q. Do you know the reputation of Dr. Cascaden in his neighbourhood?

A. I am pretty well acquainted with it.

Q. And from that reputation would you believe him on oath?

A. Yes, whether he was on oath or not.

By Mr. McMichael.—How far do you live from him?

A. Six or seven miles.

Q. I believe you are one of his late appointments as magistrate?

A. Not that I am aware of. I was appointed a good many years ago.

Q. By him?

A. No; as long ago as George McBeth's days—years ago. I have never taken the office at all, except officiating in the Reeveship.

Q. Have you been Justice of the Peace ever since?

A. Never; I was appointed and never took office.

Q. You say there is nothing against the reputation of Dr. Cascaden?

A. What do you mean by reputation—private enmity, political enmity or what?

Q. You do not know what general reputation means, but you are supposed to know?

A. I do not know what you mean.

Q. What do you mean by general reputation?

A. General veracity, and truthfulness in all transactions in doing business.

Q. What do you mean by general reputation?

A. I understand it to be business transactions—business capacity and truthfulness.

Q. That is what you mean?

A. Yes.

Q. You have heard things against his character?

A. Yes.

Q. A good deal?

A. Yes, some few years ago I frequently heard a good many things.

Q. You wouldn't like to have such things said against yourself?

A. No, I wouldn't like to have them said against me whether they were true or false.

Q. Some pretty dark things were said?

A. Yes, if true they were pretty dark.

Q. Anything about his truth telling?

A. I have heard more about that to-day than ever before—from my neighbours who have been giving evidence.

Q. Of course these have been speaking in his favour—all of them?

A. No, not all of them—some one or two spoke the other way.

Q. Oh yes, I am wrong about that; you heard more from them than you heard before?

A. I never heard the like of it before—never heard a man say he would not believe him on oath.

Q. But still you had heard pretty dark things?

A. Yes.

Q. In what way?

A. Formerly that he would take a little whiskey and box a little. I have heard that.

Q. He would do what?

A. Fight a little, and other things like that years ago.

Q. Well, that is no great harm that I can see; everybody has to fight some time. Nobody has mentioned about that here before.

A. Well, you asked me.

Q. You had heard these things before?

A. Yes.

Q. That he would drink and fight?

A. Yes, occasionally a little, not frequently.

Q. Did you hear anything about his truth telling?

A. No, nothing serious about his truth telling.

Q. You have heard his veracity called in question?

A. I think I have, but not particularly so more than other men.

Q. Do you mean to say that all men are liars?

A. No, I do not think so.

The CHAIRMAN.—There is very ancient authority for that.

Mr. BLAKE.—No, my Lord, it was hastily spoken.

The CHAIRMAN.—Someone has said that now-a-days it could be said at leisure.

Mr. McMICHAEL.—That is only a Scotchman's sweeping denunciation.

Q. You heard about his truth telling—how long ago was that?
A. About the time he was running for office—five or six years ago.

Q. His indulgence in liquor and fisticuffs was before that?
A. Yes.

Q. He has given up those qualities?
A. Yes, so far as I know.

Q. Since that time you have heard more about his veracity?
A. Yes.

Q. Have you often heard it spoken of?
A. Yes, quite frequently.

Q. And to what effect?
A. That he was not to be depended on, was not a candid man, and that kind of thing.

Q. Was that by men who had any weight?
A. I would say that some of them had.

Q. And men whose word would have an effect on a man's character?
A. Oh, yes; any man's character would be affected.

Q. But some men not so much as others?
A. Yes, certainly.

Q. And they were men of standing reputation, and they said that he was not to be believed?
A. Well, I cannot just remember but one man just now; he said he was not to be depended on. That is all I remember of just now.

Q. You have heard it from others?
A. Yes.

Q. Then there were people who would not believe him?
A. Yes.

Q. Respectable men?
A. Well, the man that told me so was a respectable man.

Q. But there were others who would not believe him?
A. I could not say that; I have heard such talk, but I could not say it was so.

By Mr. BLAKE.—Q. You say you first heard anything of this kind when he was running for office?
A. Yes, as regards his truthfulness, that is the first I remember.

Q. Then, will you say who it was and what were the reasons the reports were stated?

A. Yes.

Q. Well just mention them?

A. The man's name was Henry Arkell, of Port Stanley, a rigid Conservative and a wild-talking man.

Q. A rigid Conservative and, notwithstanding that, a wild-talking man?

A. Yes.

Q. At election times, talks a great deal?

A. Yes.

Q. He is engaged in the barley business?

A. He was in the mercantile business at Port Stanley at that time.

Q. Will you state what it was prompted these statements—what caused the people to make them?

A. I think it was because he came out looking for office, and they talked to me rather freely, perhaps because I was supporting Cascaden.

Q. You said there were two reasons—one was enmity and the other was politics?

A. I took it for granted with regard to this man.

Q. You knew from their political leanings that they were opposing Cascaden?

A. Yes.

Q. Have you heard these statements excepting from unfriendly persons?

A. None, except they were caused one way or the other.

Q. The Doctor has had some family feud, that is with reference to his first wife's relations?

A. Well, they are neighbours, and I would prefer not saying anything about that.

Q. Do you live as near him as Mr. Ferguson lives?

A. A little nearer.

Q. And until to-day you never heard those statements about his not being believed on oath?

A. Yes, it is all new to me.

Q. And you say that even the persons who stated that he was not perfectly reliable did not say they would not believe him on oath?

A. Well, those to-day said they would not believe him.

Q. But I mean those persons you mentioned?

A. Oh, no, I never heard anybody say that until to-day.

Q. Not even Henry Arkell?

A. Not even Henry Arkell.

Q. And all those persons were interested from unfriendly or political feeling, and you never heard such a statement made until to-day?

A. No, I did not.

FREDERICK H. A. SHARON, called by Mr. Blake, and sworn.

Q. Where do you reside?
A. In Southwold.

Q. How long have you known Dr. Cascaden?
A. I think about fifteen years.

Q. Do you know his reputation for truth-telling in the neighbourhood?
A. I think I do.

Q. And from that reputation would you believe him on oath?
A. I would.

By Mr. MCMICHAEL.—Q. Have you lately been appointed a J. P.?
A. Not lately.

Q. How long since?
A. It is sixteen years ago.

Q. How far do you live from Dr. Cascaden?
A. About seven miles.

Q. You have known him a good many years?
A. Yes.

Q. And never heard anything against his character.
A. Not as to his truthfulness.

Q. Never heard any hints or rumours about his character in that respect?
A. No.

Q. What these people say they have heard has not come to your ears?
A. No, I suppose it never came to my ears.

Q. Are you a farmer?
A. Yes.

Q. Have you had many business transactions, and do you come across the business people?
A. Well, I have been away from home and around amongst the people considerably.

Q. You have heard his character discussed?
A. Yes.

Q. You never heard anything against him at all?
A. Not as to his truthfulness.

Q. What did you hear?
A. Well, I heard about the trial he had.

Q. And the oath?
A. No, I never heard about his oath being disputed.

Q. You heard about his giving evidence there?

A. Yes.

Q. Did you hear about his swearing one way and another man another?

A. Well, I don't know but that I did, but I heard of that in different cases. One man will swear one way and another another.

Q. You heard of it in that case?

A. Yes, I think I did.

Q. You didn't believe the others and you believed him?

A. Well, I had no reason to disbelieve him.

Q. Did you hear who the others were?

A. Yes, some of them.

Q. Who were they?

A. I cannot tell you now.

Q. You heard something sworn which was contradicted by the oath of some unknown person?

A. I could not say as to that.

Q. And that being the case, not knowing who contradicted him, you took it for granted that he told the truth and that they lied; is that so?

A. I do not understand your question.

Q. You heard that he had sworn at a trial, and that other people—two, I think—had sworn directly opposite?

Mr. BLAKE.—He didn't say that.

Mr. MCMICHAEL.—I was trying to see if he did. I am cross-examining the witness, and with all readiness to receive instructions, I hope I will be given a little latitude.

Q. Did you hear that he had sworn at the trial and been contradicted?

A. At what trial?

Q. At any trial?

A. Well, I think I did hear that.

Q. You heard he had been contradicted on oath?

A. No, I don't think I heard he had been contradicted on oath.

Q. Then you didn't hear that—that fact didn't come to your knowledge?

A. No.

Q. You didn't hear that his veracity had suffered because of that?

A. No, I never did.

Q. You heard the evidence here to-day?

A. Yes.

Q. You heard some people speak of what was sworn to at the trial ?

A. At what trial ?

Q. At the trial which happened at St. Thomas ; did you hear anything said about the trial ?

A. Yes.

Q. Did you hear about the contradictory evidence, or didn't you? If you didn't hear it you didn't and that is an end of it ?

A. I don't remember what it was.

Q. Now will you say that there is no reputation generally—no reports going against his character for veracity ; did you never hear that ?

A. I never heard his reputation doubted until to-day.

Q. Mr. Price, a few days ago, spoke of his character for veracity ; were you here then ?

A. No, I was not.

Q. You never heard those things which created a doubt ?

A. No, I never heard them.

Richard N. Stafford, called by Mr. Blake and sworn :

Q. Where do you live ?

A. In Southwold.

Q. What distance from where Dr. Cascaden lives ?

A About three or three and a half miles.

Q. How long have you known him ?

A. About twenty or twenty-two years.

Q. Do you know his reputation for truth-telling in the neighbourhood ?

A. I do.

Q. From that would you believe him on oath ?

A. I would.

By Mr. McMichael.—Q. You say you know him ?

A. Yes, so far as I have knowledge of him I would.

Q. Have you much opportunity of knowing him ?

A. As much as general.

Q. What is your occupation ?

A. I am a farmer at present.

Q. You have heard a good many things about him ?

A. I heard things about him similar to other men, I heard about other men as well as the Doctor.

Q. What did you hear about the Doctor?
A. In my vicinity he stands in the estimation of the people pretty highly.

Q. That is in Shedden?
A. Yes.

Q. How far from where he lives?
A. About three miles.

Q. Have you heard his reputation in other quarters?
A. I have heard it discussed the same as parties testified here.

Q. You have heard it discussed?
A. Well I withdraw that; I have heard flying rumours about the time of his election.

Q. As to his veracity?
A. No sir, I never heard that until to-day.

Q. You never heard about those trials till to-day?
A. Well, I was not present at them.

Q. You didn't hear of them?
A. Well, I heard of them, but was very busy at the time and didn't hear them discussed much, because I was attending to my own business. But I heard it talked about.

Q. But no one raised a question as to his veracity?
A. Not in my estimation, nor in the estimation of the majority.

Q. Nothing that was discussed brought up the question as to his veracity?
A. No, I think not.

Q. No one spoke of it as affecting his veracity?
A. No, not to my knowledge.

Q. Anything said about his having sworn an oath there?
A. Well, I am not sufficiently posted in that, and I must say I didn't, if there is anything in it. If I heard anything about that it has escaped my mind.

Q. And if it affected other people's minds, it didn't affect yours?
A. I never heard it talked of in the neighborhood.

Q. That is in Shedden—that is a village?
A. Yes, in Southwold Township.

Q. You speak of the whole Township?
A. Yes, the village and the Township, for of course I am out in Shedden a good deal amongst other parties.

Q. These people then never spoke about it?
A. Well, we never came to talk about it I must say.

Q. You never spoke to Mr. Price about it, or these persons who are called to-day?
A. No, I never did.

Q. You cannot say they never heard these things?
A. No, I wouldn't think of saying that.

Q. So there may be things affecting his reputation which didn't reach your ears?
A. Certainly.

By Mr. BLAKE.—Q. And in his neighbourhood you know his reputation?
A. Yes, I have the opportunity of knowing it.

By Mr. McMICHAEL.—Are you a J. P.?
A. Yes, and I am not very glad of it.

By Mr. BLAKE.—Q. From your knowledge of his reputation, you have heard nothing against his veracity?

A. I have never heard his veracity questioned in the neighbourhood where I live, and I have good opportunities of knowing.

Dr. JOHN M. PENWARDEN, called by Mr. Blake, and sworn:

Q. Do you know Dr. Cascaden?
A. I do.

Q. How many years have you known him?
A. For nearly twenty-five, I think.

Q. Do you practice in the same locality?
A. Within a short distance; about six miles.

Q. Sometimes you overlap into his territory and he into yours?
A. Yes.

Q. Do you know his character for veracity in the neighbourhood?
A. Yes.

Q. From that would you believe him on oath?
A. I would be compelled to.

By Mr. McMICHAEL.—Q. You are a medical man too, are you?
A. Yes.

Q. And you and he are not rival physicians?

A. Yes, and we have been ever since I have been practicing; our territories adjoining, a great deal of my practice being within a short distance of Iona.

Q. You are in Fingal?
A. Yes.

Q. You have heard nothing against his character?
A. Yes; heard a great deal.

Q. For veracity?
A. Well, not so much for veracity as for other things.

Q. You have heard of it for veracity as well?

A. Yes, in some instances.

Q. How do you mean, in some instances?

A. Well, I have heard some parties speaking about it; indeed, in one or two instances I heard one or two prominent individuals speaking of his veracity.

Q. Mentioning certain facts?

A. Yes, one or two did.

Q. With regard to his veracity?

A. Yes.

Q. And others merely stated their impressions in consequence of it?

A. I would not be so positive about that.

Q. Then there is a certain amount of reputation respecting him and his veracity, that is not exactly as a man would wish it?

A. I wouldn't like to say that. We are not particular, and have not been what you might call friends, excepting politically, and as a rule I think some of the physicians there, from what they have told me, might accuse him of slight exaggerations at times for the purpose of elevating himself in the estimation of his supporters and of depressing his opponents. That is the only thing that as a rule I have heard against his character for veracity.

Q. That his measure of truth was a little beyond the line?

A. Well, I think his ordinary life in business transactions is above reproach, that it is really as good as the majority of respectable citizens, and is considered so. He has many bitter enemies and many warm friends, and the latter think him almost a paragon of perfection.

Q. He looks it—and the others?

A. Unfortunately think him pretty bad.

Q. And those you heard speaking about him—were they bitter enemies?

A. Some were.

Q. And the others?

A. Well, during his first election contest of course his name was in everybody's mouth, and many rumours were afloat detrimental to his reputation; it was a common subject of conversation.

Q. Was it simply they would not believe him, or were facts mentioned?

A. I would not say facts.

Q. Were a good many things stated as facts?

A. Well, there were assertions—there were unquestionably grave assertions made which were detrimental to his character.

Q. Had you any means of ascertaining whether they were true or not?

A. All I can say is that prior to that I thought he was like the generality of people, that he had good qualities and bad. He was much like the majority of leading individuals in that neighbourhood.

Q. But with regard to these things you heard—did you consider they were assertions or facts; did you ascertain if they were false?

A. I had no means. I inquired as well as I could into their truthfulness—some said they believed them, others not. Of course the matter was brought to trial.

Q. You are speaking of the matters which were brought to trial in court?

A. Certainly.

Q. But were those all; were not there other matters not brought to court?

A. Nothing of any importance.

Q. Well, affecting his veracity—statements he made or things he had done?

A. There might have been.

Q. And these things which were brought to court—have you gone into them, and what and how they resulted?

A. I attended the trial.

Q. Which trial?

A. Cascaden *vs.* Edgecombe; the other never came to trial.

Q. Is it true that Cascaden withdrew that, and paid the costs?

A. I think, so far as my own judgment goes, it was the only alternative.

Q. I don't want to know the alternative, but what is the fact?

A. I believe he withdrew the case.

Q. And paid the costs?

A. I presume so; I could not say anything about that.

Q. Is it true that in that case it was an action of slander?

A. Yes.

Q. Is it true also that the other party justified—that is, said that what they said was true?

A. Yes, they adhered to the same statement.

Q. Yes; and he withdrew the action and paid the costs?

A. I believe he did.

Q. Then there was no trial there between one man's oath against another?

A. No, it never came to trial.

Q. Was it about these cases which Dr. Vanbuskirk said he knew about?

A. Yes.

Q. Then were you present at the other trial?

A. I was present a great part of the time, I think.

Q. There were oaths pledged there, were there not?

A. There were.

Q. Dr. Cascaden's oath on the one side and some other man's on the other ?

A. Yes.

Q. Was it the oath of one against two or three, or was it two oaths against two oaths?

A. I think it was mainly one against two or three, but not entirely diametrically opposite.

Q. His was the single oath ?

A. Unquestionably, his had to be the single oath.

Q. There were two or three others on the other side who swore, to a certain degree, contradictory ?

A. Only to a certain degree.

Q. The effect of that was that some people didn't think the doctor could be believed?

A. I speak candidly and conscientiously, knowing I am on oath, and I do not think that trial made any difference at all in the opinions of the various people throughout the Riding.

Q. For if there were those who had formed opinions as to his general reputation, that did not affect it ?

A. No; his enemies seemed to have a bad opinion of him still, and his friends a good opinion.

Q. Those who said they would not believe him on oath had other reasons ?

A. I never heard it at that time.

Q. And you say it didn't affect his general reputation.

A. I said I thought it did not alter his general reputation.

Q. That where there were those who didn't believe him before, they didn't believe him still ?

A. That those who had a bad opinion of him before, had a bad opinion afterwards.

Q. Their bad opinion was not at all aggravated by the trial ?

A. I think not—that is my opinion.

Q. And those who believed him, believed it against the other oaths ?

A. Yes.

Q. So there was oath against oath in some cases ?

A. Well, not diametrically opposite, I think.

Q. Of course you knew the character of the men who contradicted him ?

A. They were above reproach—probably a little vindictive, though they were men of high character.

Q. And when they contradicted him——?

A. Well, I don't think they were direct contradictions.

Q. To a certain extent they did ?

A. Yes, and one honourable man's oath should be as good as another's.

Q. Did you attribute it to them as ignorance?

A. No, I didn't attribute it to any bad motive; I believed they were conscientiously mistaken.

Q. You think they were swearing to things they didn't know?

A. They were just giving their opinions.

Q. Didn't they swear to facts?

A. Not as I recollect.

Q. Do you mean to say in a trial where facts were at issue, opinions were given?

A. The main point was whether this was a forged receipt or not. No one accused him of forging it,—merely of passing it. I do not think the doctor swore positively that he saw the gentleman sign the receipt, but the gentleman went into an adjoining room, signed the receipt, and brought it back. The parties who swore against the doctor, swore this was not his signature; so as experts are not infallible, they may have been mistaken.

Q. Did the Doctor swear to the signature?

A. I don't think he did, but I would not say—if he did, I have forgotten.

Q. At any rate the verdict of the jury was that the document was forged?

A. The jury disagreed, I think, on that point.

Q. Were these men experts, or men who knew his writing.

A. They claimed to be experts, and I think they knew his writing, and compared it with others.

Q. And for good or evil his character was not affected, you think, by that trial?

A. I don't think it was, so far as I had opportunities of judging.

Q. Those who disbelieved him before disbelieved him afterwards, and so with those who believed him?

A. That is according to my opinion and personal experience.

Q. And notwithstanding all you knew, you still believed him?

A. I don't believe he is perfect by any means; I believe him on oath, or his word in any private transaction.

Q. Supposing he was as deeply interested in a matter, would you have as strong confidence in him?

A. On oath, unquestionably I would; I should certainly believe him in business transactions, though I believe political men have a certain amount of license.

By Mr. Blake.—Q. Then, as I understand, the question in this trial was whether a certain paper was really signed by a certain individual or not?

A. That was the question.

Q. And Judge Hughes and Mr. Samuel Price, of Port Stanley, who was a witness here, from the paper, thought it was not the signature of the person?

A. That is correct.

Q. And those were the two; Mr. Price was one of those; he testified merely to his belief as an expert, that that was not the handwriting, and Dr. Cascaden testified that he believed it was, and on that they gave their opinions?

A. Yes.

Q. Then, you stated that you thought for reasons which were quite satisfactory, Dr. Cascaden didn't follow up the other suit; what were the reasons?

A. Mainly and solely, I think, on account of the ruling of the judge at the trial.

Q. What was that ruling?

A. Something to this effect, that during an election campaign, the electors were privileged to say anything detrimental of a candidate—anything against his character provided they believed it.

Q. So it was a kind of privileged communication, and being so, it was almost impossible for the Doctor to recover if they believed it to be true?

A. That is it.

Q. That anything that was said was fair in that kind of warfare, and after that it was withdrawn?

A. Yes.

Q. Who was the Judge who ruled that?

A. I was trying to remember his name.

By Mr. McMichael.—Q. Was it Chief Justice Wilson?

A. I think it was.

By Mr. Blake.—Q. Then, as a matter of fact, in these contests politics had run pretty high?

A. Unquestionably so.

Q. Was there also a difficulty between Dr. Cascaden and some of the relatives of his late wife?

A. Yes.

Q. Did that feeling run very high?

A. Very.

Q. Were there statements made by these persons?

A. Yes.

Q. Now, have you heard anything against the character of Dr. Cascaden with regard to this question of truthfulness or untruthfulness, excepting coming from these sources?

A. Not that I considered amounted to anything.

Q. Excepting coming from persons either political or——?

A. I remember, as I mentioned to your opponent, hearing on one or two different occasions some very good men—one or two—speak against the Doctor, but I thought probably they might be influenced by a little spleen or dislike, or something to that effect.

Q. Could it possibly have been a medical man—was there a little rivalry?

A. One of them was.

Q. Perhaps a little rivalry in that case?

A. Of course I considered his opponent a truthful man, but still I thought he was mistaken.

Q. And your opinion still is beyond a doubt that you would believe Dr. Cascaden whether under oath or in a statement made not under oath?

A. Unquestionably I would believe him on oath; and under ordinary circumstances, in a business transaction, I would take his word for any amount.

DUNCAN MCALPINE, called by Mr. Blake, and sworn:—

Q. Where do you reside?

A. In Southwold.

Q. What distance from Dr. Cascaden

A. About one and a half miles.

Q. How long have you known him?

A. Fifteen or twenty years.

Q. Were you in the Council?

A. Yes.

Q. How long?

A. One year.

Q. Do you know his reputation for truthfulness in the neighbourhood?

A. Yes, I think I do.

Q. You have had opportunities?

A. Yes.

Q. And from these would you believe him on oath?

A. I would.

By Mr. MCMICHAEL.—Q. Have you been appointed a Justice of the Peace?

A. Yes, by the Ontario Government, I understand.

Q. Through the influence of Dr. Cascaden?

A. I expect it would be, but I never was sworn in or took office; I didn't wish to take it, but they persisted in my taking it.

Q. Do you know very much about the character of Dr. Cascaden?

A. Well, I think I should know his general character.

Q. Do you know what people generally think about him?

A. I should think so; I am pretty near to him.

Q. Perhaps if you were further off you would hear better. Is it only what the Reformers think of him, or all parties?

A. Well, in our county they are apparently divided, the Reformers and the Tories.

Q. The Tories taking one side and the Reformers the other?

A. Some Reformers take the Tory side in the election.

Q. You are a Reformer?

A. Yes.

Q. And a supporter of the Doctor?

A. Yes.

Q. And a nominee for a Justice of the Peace; are you aware that his character is assailed by some?

A. I am.

Q. And pretty strongly?

A. They talk about him.

Q. Many people?

A. Not a great many; his enemies do.

Q. What makes them his enemies?

A. I think politics.

Q. Should politics make them enemies; are not they all honourable combatants?

A. They should be.

Q. But from some manœuvres of his they dislike him?

A. Yes.

Q. And his character is assailed by some?

A. Yes, by some.

Q, Is not there a good deal of reputation going abroad as to his character?

A. Yes, but I have heard only a few individuals; as to his veracity—his word—I never heard that until here lately.

Q. You are not affected by these trials?

A. No.

Q. You were present at the trial?

A. Yes, I was there.

Q. Do you agree with the other witnesses that the trials did not affect his reputation?

A. No, I think they did not.

Q. Those who didn't believe him still disbelieved him, and those who believed him believed him still?

A. I think so.

Q. Though circumstances were mentioned which would have an effect on his veracity?

A. Yes, if they were believed.

Q. There were contrary oaths?

A. Well, so far as I could see, the impression of the people was the same.

The Chairman.—It was hardly a contrary oath; it was a difference of opinion.

Mr. McMichael.—Sometimes, in cases like this, it is a direct oath, though there are cases in which it is an opinion.

The CHAIRMAN.—It is not like a contradiction on a well-known matter of fact.

Mr. McMICHAEL.—I have seen signatures so utterly distinct that there could not be any question as to the forgery.

Q. Have you always had that perfect confidence in Dr. Cascaden which you now express?

A. I have had no reason to have any other.

Q. Have you ever said to any person that you hadn't confidence in him?

A. No, not that I am aware of.

Q. Did you ever mention it to Duncan Sinclair?

A. Not as I am aware of.

Q. Nor in Sinclair's store to Archibald Brown?

A. Not as I am aware of.

Q. Will you swear it?

A. I am not positive, but I don't think it is likely.

Q. Is it possible that you may have said so—you are a truth-telling man?

A. I hope so.

Q. Now, if these men say you did say you had no confidence, knowing as you do that you have every confidence in him, why would you say so?

A. I don't know why I should say so.

Q. Well, why can you not be positive you didn't say so?

A. Well, I cannot say so.

Q. Is it not possible you did say that?

A. I could not be positive.

Q. It may be, then, that you stated you had no confidence in him—you wouldn't like to say you didn't say so?

A. I do not recollect.

Q. I want to know whether you would say such a thing?

A. I want to swear to what is true.

Q. And therefore you don't want to deny the truth?

A. I might have said so and I might not, but I do not recollect.

Q. If you might have said so, why would you have said so?

A. I don't know.

Q. Was it because you hadn't much confidence in him?

A. That would be the reason if I said so.

Q. If you said that it is possible you hadn't confidence in him, has anything occurred to change your mind regarding him?

A. Not with the Doctor and me.

Q. And still you wouldn't like to say you hadn't said so?

A. No.

Q. Were you running for the Council or the Reeveship at that time—were you ever running?

A. I ran two successive years.

Q. Did you hear that Dr. Cascaden was working against you?

A. I did.

Q. Didn't you then say you had no confidence in him?

A. I would not say so.

Q. You would not swear you hadn't?

A. No, but I don't think I did—I would not be positive.

JEREMIAH HAMILTON—called by Mr. Blake and sworn:

Q. Where do you live?

A. In Southwold.

Q. What distance from Dr. Cascaden?

A. Two and a half miles.

Q. How long have you known him?

A. About twenty years.

Q. Do you know his reputation for truthfulness?

A. I do.

Q. From that would you believe him on oath?

A. I would.

By Dr. McMICHAEL.—Q. You know his reputation?

A. Yes.

Q. Is it good?

A. As far as I know it is good.

Q. You never heard anything to the contrary?

A. Well, I heard rumours when he was running for member. I never heard anything before.

Q. Nor since?

A. Yes, I have since.

Q. It was not only while he was running for member?

A. It continued on, I suppose.

Q. They began then?

A. Yes.

Q. Were those things affecting his veracity?

A. Not that I know of. It didn't with me.

Q. Were they about his veracity?

A. No, I never heard anything about his veracity until to-day. I have heard more to-day than ever before.

Q. What were the reports you heard?

A. Well, it was family affairs and political feeling.

Q. You haven't heard of the law suit?

A. I did, but I know nothing about it.

Q. You heard nothing about the contrary oaths?

A. I cannot say I did, and at all events I could not tell, because I was not there.

Q. You have heard people speak against him?

A. Oh, yes, to be sure I have.

Q. But you never heard any person say anything about his veracity?

A. No, not till to-day.

Q. You are a farmer?

A. Yes.

Q. Living where?

A. In Southwold.

Q. And have never had any business with him?

A. Yes, sir.

Q. Never came in contact with those who had business with him?

A. What do you mean?

Q. I mean, heard what they have to say about him in business matters?

A. Yes.

Q. And the reports you have heard have all been about these family matters?

A. Yes, and politics; whatever I heard was from parties in whom I had no confidence.

Q. They were Conservatives?

A. No, I have heard more from one person who claimed to be a Reformer.

Q. And you didn't believe him?

A. No.

Q. Didn't believe a Reformer?

A. I didn't say he was a Reformer.

Mr. Blake.—He said he claimed to be a Reformer; he was a Conservative in disguise.

Mr. McMichael.—He didn't say so.

Q. Was he a Conservative?
A. He voted Conservative last election, I believe.

Q. He is not much of an addition to the Conservatives then?
A. Well, I wouldn't claim him if I were a Conservative.

Q. What you heard was all about family matters?
A. The most of it was.

Q. Did you hear about a receipt which was said to be forged?
A. I have heard it mentioned, but I know nothing about it.

By Mr. Blake.—Q. Whom was it you heard these reports from?
A. Mr. John Campbell.

Neil McIntyre, called by Mr. Blake, and sworn:—

Q. Where do you reside?
A. Within half a mile and three-quarters of a mile of Iona.

Q. What distance would that be from where the Doctor lived?
A. Just about that distance.

Q. How long have you known him?
A. Since he came to the village or shortly afterwards.

Q. How many years?
A. I think it would be between eighteen and twenty years.

Q. Do you know his reputation for veracity in that neighbourhood?
A. I do, generally speaking.

Q. From that would you believe him on oath?
A. I would, or without taking the oath, so far as I know.

By Mr. McMichael.—Q. Even politically?
A. I had no reason to doubt his word even politically.

Q. You have the strongest confidence yet. You never heard anything against him?
A. Not directly—that is what I mean; it was only from those on unfriendly terms.

Q. On the other side of politics?
A. Not exactly that—kind of personal enemies of the Doctor's.

Q. How many personal enemies has he up there?
A. Not many.

Q. In what way has this enmity arisen?
A. That I could not describe to you.

Q. You could not tell—how did you know of the personal enmity?
A. Just from the conversation of others.

Q. Through others or from themselves?

A. Well, there might have been one or two instances from themselves.

Q. Now, from these persons there have been things said respecting him, touching his veracity?

A. Nothing about his veracity was ever intimated to me.

Q. That question was not raised. Do you know anything about these law-suits?

A. Very little.

Q. Never heard of them?

A. I did.

Q. Did you hear if it created an impression on some people's minds?

A. Well, I disbelieved it myself and charged my memory so little with it that I could not really say what I did hear.

Q. You didn't therefore know much about his general reputation at all?

A. Well, I should.

Q. Why?

A. I have had private dealings with him.

Q. And you know his public character from private dealings?

A. You hear a man's reputation from other people, and not from himself.

Q. Have you heard a great many people speaking of him, or only a few?

A. Only a few.

Q. So what the mass of the people think of him, you would not be able to say?

A. Only this, that I never yet heard any person, friendly to the Doctor, speak any thing against him.

Q. Your circle of acquaintance there is not very large?

A. Well, pretty large. I was brought up there.

Q. You are a farmer?

A. Yes.

Q. You don't go much out amongst the business haunts of men?

A. Sometimes. I do not go a great deal from home.

Q. It is mostly when you gather together for elections that you hear people's character discussed?

A. Yes, once in a while.

Q. And, on those occasions, friends speak in favour of his character and enemies speak against him?

A. Yes.

Q. Are you one of Cascaden's J. P.'s.?

A. Well, I don't know that I am his, I am the Government's.

By Mr. BLAKE.—Are you one of the largest farmers there?
A. Yes, just around there.

Q. And take a good deal of interest in agricultural matters?
A. Yes.

Q. Have you as good an opportunity as anybody in that neighbourhood of hearing?
A. I think so.

Dr. DUNCAN G. RUTHVAN, called by Mr. Blake, and sworn.

Q. How long have you known Dr. Cascaden?
A. A trifle over twenty years.

Q. How far from him do you live?
A. Six miles.

Q. Do you practice over the same territory?
A. Yes, our territories run together at different places.

Q. Do you know his reputation for veracity?
A. I have very good opportunities of knowing him.

Q. From that would you believe him on oath?
A. I would.

By Mr. McMICHAEL.—You are one of those who never heard anything against him?
A. Well, I think probably there is something spoken against every one of us.

Q. And you have heard things against him?
A. Certainly.

Q. Rather hard things?
A. Just what has repeatedly been told to-day.

Q. Well, they have varied so much in character and complexion that I do not know which you mean. Did you hear all of them?
A. No, I did not.

Q. You have heard things against him?
A. I have heard these reports which have already been stated, but never till he was made the nominee of the Reform convention.

Q. When was that?
A. That was previous to the election of 1879.

Q. Then, the bad reports you have heard go back to 1879?
A. Yes, it was after that.

Q. And were they affecting his character generally?
A. They were these things you have heard spoken of.

Q. Let us hear?

A. A little domestic trouble; that is all I heard, and I knew nothing about it.

Q. You knew nothing about the action he put in for slander and withdrew it?

A. I knew nothing about it. I heard there was a little domestic trouble, and I presume it arose from that.

Q. You heard also of the contradictory oaths?

A. Yes.

Q. And some people say he didn't tell the truth and others say he did?

A. Well, I have no reason to doubt him.

Q. Never mind that; have you known people who claimed they had reason for it?

A. No; I am satisfied I never did; I have heard it spoken of that there were contradictory oaths.

Q. Were you ever called upon by anybody to prove something about his telling the truth?

A. I was not.

Q. Did David McLaws ever call upon you—the former member?

A. He never did.

Q. Did he ever say once that Cascaden told a lie, and call on you to prove it?

A. I never remember any such circumstance.

Q. It never happened?

A. It could not possibly happen or I should have remembered.

Q. At the time Cascaden got the nomination away from McLaws at the Reform convention?

A. Which was that, because the Doctor has had two?

Q. Was he nominated twice?

A. He contested it twice.

Q. Was he once when McLaws was his opponent at the convention?

A. He was the nomination of the convention.

Q. That is the time when McLaws was his opponent?

A. Yes, he was.

Q. Did he at that time charge him as to his veracity?

A. No, but I was not a delegate.

Q. Were you called upon to prove it?

A. I never was called upon to prove any such assertion.

Q. You never heard anything against his reputation, or that they wouldn't believe him?

A. I heard speak regarding that trial at St. Thomas—that supposed forgery.

Q. As to his truth or veracity?

A. No, not exactly. Well, some would speak of it as partially contradictory evidence between Dr. Cascaden and those men who swore to the contrary.

Q. Had that an effect on his character for veracity?

A. It had not—I could not see it.

Q. Were other people affected by it?

A. I don't think so. I think after the trial his reputation was raised in the estimation of the people.

Q. You think it was. You don't think it affected the opinion as to his veracity?

A. I think not.

Q. Did you ever tell John Campbell, of St. Thomas, that you had no confidence in Cascaden?

A. I never remember telling him any such thing.

Q. Will you say you didn't?

A. All I ever said of him was that I was a little opposed to him receiving the nomination. I was a friend of McLaws and I may have said something—but not with regard to his character in any form—I may have said something about the way he secured the convention, but nothing else.

Q. What about the convention?

A. That I thought he was taking too active a part in a convention, about canvassing the delegates.

Q. That is what you said?

A. I swear positively, I remember saying nothing further.

Q. But you do remember that?

A. I remember its being currently spoken of.

Q. Did Cascaden deny it?

A. Certainly he did—he said he never intimidated any delegate.

Q. Did you believe him?

A. Well, subsequently I did.

Q. At the time did you?

A. Well, when my passion subsided I did.

Q. You doubted his word at the time?

A. Yes, at the time, I doubted his word.

Q. He has grown in reputation since?

A. Well, he has not fallen.

By Mr. Blake.—Q. You are a Justice of the Peace?

A. No, I am not.

Q. You are a medical rival of the Doctor's?
A. Yes, I am.

The Commission adjourned till 2 o'clock.

The Commission resumed at 2 p.m.

DUNCAN MCPHAIL, called by Mr. Blake and sworn :

Q. How far do you reside, Mr. McPhail, from Dr. Cascaden?
A. About two miles and a half—between two and three miles.

Q. How long have you known him?
A. Well, for the last fifteen or sixteen years.

Q. Were you ever in the Council?

A. Yes, in the Township of Dunwich. I live in the Township of Dunwich. He lives right on the town line there.

Q. What office have you held there?
A. I was four years in the Council. I was one year in the County Council.

Q. Deputy Reeve, I believe?
A. Yes, Deputy Reeve.

Q. Do you know the reputation of Dr. Cascaden in the neighbourhood for veracity?
A. Yes, I do.

Q. From that reputation, would you believe him on oath?
A. I would, certainly.

By Mr. MCMICHAEL.—Q. Do you know nothing against him at all?
A. No, sir.

Q. Never heard anything against him?
A. Oh, I did hear reports.

Q. There have been reports, then?
A. Yes, some reports, but I took no notice of them at all—this suit that he had.

Q. Took no stock in them?
A. No.

Q. You mean to say you did not enquire into them to see whether they were true or not?

A. No.

Q. Well, you have heard reports independent of this suit, haven't you?
A. No.

Q. Only respecting that?
A. Only just respecting that.

Q. You haven't heard people say then that they would not believe him on oath?

A. No, sir; I have not.

Q. Have you heard people say they would not believe him—that he told falsehoods?

A. No, sir.

Q. That reputation has not gone forth?

A. Not in my neighbourhood.

Q. So you speak of the reports of those two particular trials?

A. Yes.

Q. Do you know Dr. Sinclair?

A. Yes, I know him.

Q. Did you ever tell him that you had no confidence in Dr. Cascaden?

A. Well, I am here to answer that question. Sinclair is a bitter opponent of Dr. Cascaden. I want here to say that I never said that to him. He would argue against the Doctor, and I told him once to hold his tongue and let Cascaden alone—if Cascaden was a bad man, to let him go.

Q. You did not say you had no confidence in him?

A. No, sir; I did not.

Q. What you said was that if he was a bad man, let him go?

A. Yes.

Q. What did you mean?

A. He kept talking and running him down, and I said, "Stop this talk, if he was a bad man, let him alone."

Q. What was he saying against him?

A. I do not know that I can relate the whole talk he had. He seemed to be a terribly bitter opponent, and would seem to abuse him far beyond what he ought.

Q. How abuse him?

A. There was some deals between him and the Doctor.

Q. And he abused him on that account?

A. Abused him on that account.

Q. Had you business transactions with Dr. Cascaden?

A. Well, I had; he has been my doctor for a number of years.

Q. Did you tell Sinclair that you had transactions with him, and that you did not have confidence in him on account of his character?

A. No, nothing at all of the kind; I want that distinctly understood; he has been my doctor there for the last fifteen or sixteen years.

Q. Then it was not true that you told him you had no confidence in him?

A. No, not at all.

Q. Was it true that you had told him that he had promised to vote for some person or other, and you found him working on the opposite side?

A. No.

Q. Nothing of the kind happened?

A. No.

Q. So you heard reports, but you paid no attention to them?

A. I heard reports, but I paid no attention to them.

Q. Would you say others did not?

A. There might have been some others.

Q. Then his reputation may have been affected, but not in your mind?

A. No, nor not in my neighbourhood.

Q. Are you sure of that?

A. Well, I know some Conservatives there who would not believe in these reports that were going.

Q. But there were some who did?

A. Yes.

By Mr. BLAKE.—Q. From whom did these reports generally come against the Doctor's character?

A. Well, they just came from his opponents, you know.

Q. You are not one of Dr. Cascaden's J. P.'s are you?

A. No, I was appointed some time ago.

ROBERT FRANCIS RUDD, called by Mr. Blake, and sworn:

Q. Where do you reside, Mr. Rudd?

A. Township of Peel, County of Wellington.

Q. What distance from Mr. McKim's residence?

A. About three miles.

Q. How long have you known him?

A. About twenty-six years.

Q. And you know his reputation in the neighbourhood for veracity?

A. Yes, I have been acquainted with from the time he came into the township.

Q. From that would you believe him on oath?

A. Oh, yes.

Q. Have you been in the Council?

A. I have been in the County Council for three or four years, but I was in the Township Council a good many years before that.

By Mr. MCMICHAEL.—Q. Have you ever made a different statement? Have you ever said you would not believe him on oath?

A. No, sir, never.

Q. Never told any one you had no confidence in Mr. McKim, and would not believe him?

A. Never.

Q. You never heard from any parties?

A. I have heard some persons say they had not confidence lately.

Q. Is that a part of his general reputation?

A. His general reputation stood first-class, I think, until he got into trouble with his liabilities.

Q. Then he was found out?

A. No. There was a few who suffered that complained; there were some who suffered who did not complain.

Q. And were there parties who did not suffer that had no confidence in him?

A. I am not here to tell how others felt.

By the CHAIRMAN.—Q. How did those suffer? Was it at the time of his failure?

A. Yes. There was no man, I suppose, who stood better in the Township, excepting the Speaker, I suppose.

By Mr. MCMICHAEL.—You mean yourself?

A. Of course.

Q. Then his reputation is not quite as good as yours?

A. His reputation is quite good—first-class. Of course I make use of that word in the way of a joke.

Q. But you make it on oath, you know?

A. Well, if it is on oath, I am quite satisfied.

Q. Well, those persons who you say suffered by him complained—were there any others?

A. Oh, I do not know that there was.

Q. And were there any others that expressed doubt of his character?

A. They might complain and might not complain.

Q. You are here speaking of his general reputation, and not of your own impression of it?

A. I say his reputation stood good.

Q. How does it stand now?

A. I don't know that it stands very bad. There was a few who just complained, but not very much.

Q. When you speak so highly of him, that is your own impression, and not his general reputation?

A. It is what I hear said about him in the Township of Peel.

Q. By Reformers?

A. Yes, and Conservatives also.

Q. Have you heard them all speak well of him?

A. Not all, but I heard some.

By Mr. BLAKE.—Q. Those you heard complain did not complain at all with regard to his truthfulness?

A. Not at all.

Q. They had lost money?

A. Yes, that was it.

Q. His reputation for truthfulness stands as well now as ever?

A. Oh, yes.

DR. JAMES WALLACE, called by Mr Blake, and sworn:

Q. Where do you reside, Dr. Wallace?

A. In the Village of Alma, Township of Peel.

Q. How far would that be from Mr. McKim?

A. About five miles.

Q. Have you known him long?

A. Between eighteen and nineteen years.

Q. And do you know his character for veracity in the neighbourhood?

A. I think I do.

Q. You have had opportunities of judging?

A. Yes.

Q. From that, would you believe him under oath?

A. Yes, I would believe him at any time.

By Mr. McMICHAEL.—Q. You have confidence in him?

A. Yes.

Q. From your own individual opinion, or from his general reputation?

A. Both.

Q. Never heard anything against him?

A. Oh, lots.

Q. There is something said against him?

A. Yes, continuously.

Q. People speaking against him?

A. Yes, because he is the chief public man in the Township; his opponents are against him, but not his private character.

Q. Against what—his honesty?

A. No.

Q. Then he has a perfectly good reputation as an honest man?

A. Yes.

Q. And his character for veracity stands all right?

A. Yes.

Q. And yet a great deal is said against him?

A. By his opponents.

Q. Well, would they tell untruths?

A. Yes, I believe lots of them would tell untruths.

Q. All of them?

A. Not all of them, but many of them; they would be mistaken.

Q. Any of his favourites tell untruths?

A. No, I think not.

Q. So the untruthfulness is all on one side?

A. Oh, it is said against him as a public man—by his political opponents.

Q. You are, I suppose, a strong political partizan yourself?

A. I do not know that I am.

Q. Are you not a pretty strong supporter of McKim's?

A. I never waver from my principles.

Q. Well, do you call him one of your principles?

A. Yes.

Q. You follow your leader?

A. No; I follow the dictates of my own mind and conscience.

Q. Not of the law, but of your conscience?

A. Yes, that is mine.

Q. Well, in opposing him, whatever the other people have said against him, I cannot exactly find out what it is?

A. It is hard to say what they say against him, for they say anything.

Q. I want to find out what it is they say against him?

A. I do not know particularly.

Q. His character is blackened, and you do not know how?

A. Well, I have been so many years going about; if you will tell me any particular thing I will answer.

Q. That is what I am asking you, what you have heard against him?

A. Well, I am not prepared to say unless there is some particular thing asked me.

Q. Have you heard it said he was not honest?

A. No.

Q. Never?

A. No.

Q. Not even as a political man?

A. I do not know that ever I did.

Q. A good deal has been said against him, but it did not attack his honesty; what could it attack then, his good looks?

A. No, I do not think it.

Q. What was it they attacked?

A. His politics principally.

Q. Not himself, then?

A. Not his personal character at all.

Q. That was opposing the Conservative side?

A. The Conservative side opposing him.

Q. They were attacking Reform principles, were they?

A. I suppose so.

Q. I suppose attacking him as well?

A. Well, he was the leading man.

Q. And some of the arrows glanced off on you?

A. Well, they might, but they did not do any harm.

Q. Some people have come here and spoken against his character; have said that he has told falsehoods, and so forth?

A. Well, they may have been mistaken in that.

William Whitfield, called by Mr. McMichael, and sworn:

Q. You are a clerk in Mr. Meek's office, are you not?

A. I am.

Q. How many rooms has Mr. Meek's office?

A. Two; at that time two; the present office has two as well.

Q. Who sat in the inner office?

A. Mr. Meek.

By the Chairman.—Q. You are referring to the office in the *Mail* building?

A. Yes, my Lord.

By Mr. McMichael.—Q. And you sat in the outer office?

A. Yes.

Q. Do you remember the day McKim called there?

A. I do.

Q. Had he been there before to your knowledge?

A. No, I don't think he had.

Q. Did you know him?

A. I did.

Q. Where had you seen him?

A. I was introduced to him in Hamilton in the spring of 1883; I had dinner with him, in fact, on the day I was introduced to him.

Q. When he came in whom did he ask for?

A. Mr. Meek.

Q. Was Mr. Meek then in the inner office?

A. He was.

Q. Was anyone with him?

A. No.

Q. What did you do then?

A. I went into Mr. Meek's office, and told him Mr. McKim wanted to see him, and I said, "Mr. McKim, Mr. Meek."

Q. And you returned?

A. Yes.

Q. Were you in the inner office, or did you stay outside?

A. I was in and out.

Q. You were not there any length of time?

A. No.

Q. Did you make any entry in your book on that day of McKim's coming in?

A. I did, in the office diary.

Q. Why?

A. Just keeping his name before me for the purpose of charging up.

Q. Inquiring what he wanted?

A. Yes.

Q. Will you show us that book?

A. Yes (producing book), there is the entry.

By the CHAIRMAN.—Q. What date is that on?

A. On Friday, the 8th of February, my Lord.

By Mr. MCMICHAEL.—Q. How long did Mr. McKim remain there?

A. I should say an hour or an hour and a half, perhaps.

Q. Did Mr. Wilkinson come there during that time?

A. Well, Wilkinson came in I should think twenty minutes or half an hour after McKim's arrival.

Q. And did Wilkinson go out again or remain there?

A. He asked for Mr. Meek, and he went into Mr. Meek's room.

Q. Did he go out again ?
A. Yes.

Q. Did McKim stay after he left ?
A. Yes, perhaps three-quarters or half an hour.

Q. Were you in the office after Wilkinson was gone, and while McKim was there?
A. Yes.

Q. And what was being done by McKim and Meek ?

A. I went two or three times, and Mr. Meek sat in the chair he usually sat in, and Mr. McKim was opposite him, and Mr. Meek was writing on foolscap paper.

Q. You did not see what he was writing ?
A. No.

Q. Not at that time ?
A. Not at that time, I did not.

Q. Mr. McKim went away ?
A. Yes, he went away.

Q. Did you see Mr McKim again that day ?

A. As near as I can tell it would be a little after one o'clock when he went away, and he came in again I should think between three and four. Mr. Meek was not in, and he told me to tell Mr. Meek either that that arrangement would not be carried out, or that agreement would not be carried out ; I would not be sure whether he used the word agreement or arrangement.

Q. That was all he said ?
A. Yes.

Q. Did you see him in the office again ?
A. Not that I remember.

Q. Did you ever make inquiries of Mr. Meek about him ?
A. At the time he gave the dates ——

Mr. Blake.—I object; what Mr. Meek said to him is not evidence.

By Mr. McMichael.—Q. You asked about McKim ?
A. Yes.

Q. Did you receive any directions what to do ?
A. He told me to charge McKim $4 for drawing that agreement.

Q. Did you make that charge ?
A. I did, in the day-book (producing) ; there is the charge.

Q. Did you make that on that day ?

A. I made the entry in the diary on that day, and I think it would be transferred to the day-book five or six days afterwards ; the Toronto Winter Assizes were on at that time, and we had five or six cases, which made us rather busy.

Q. Did you enter it in any other book?

A. I did; I transferred it from the day-book into the general docket (producing).

Q. Now, Mr. Wilkinson was in the office—did you make any entry of his coming in that day?

A. Well, Wilkinson was a man who used to come in and go out; just at that time we had a good many election cases on, and he used to come in and ask if anything was new.

Q. Well, you did not make an entry of that?

A. No, I think he had been doing business with Wilkinson about that time, and I think the business was closed, and he had paid for what he had done.

By Mr. Blake.—Q. The diary, as I understand, was for the purpose of noting people who came into the office?

A. Yes, that was so.

Q. So that you might be able to inform Mr. Meek, if he happened to be away, who had called to see him, and so on?

A. That would be one object, but the principal object would of course be for the purpose of getting it into the day-book.

Q. First fees, and other matters subsidiary?

A. Exactly; always the fee along with the brief.

Q. So that the first object was the question of fees, and the other was, to keep a note, as this would seem, of who had called?

A. Of course it would answer the double purpose.

Q. Then, do you recollect, as a matter of memory, how often Mr. Wilkinson was in the office that day?

A. Yes, I do, because the fact of Mr. McKim's being in the office was a somewhat unusual thing—the first time I had seen him there.

Q. And you linked him and Mr. Wilkinson together in some way?

A. No, I beg your pardon, I did not.

Q. Then, how was it Mr. McKim's being there had anything to do with informing your mind of Mr. Wilkinson?

A. I do not know that it had.

Q. What I am asking you is whether you recollect how often Mr. Wilkinson was in your office that day, and you say yes, because Mr. McKim's being in was an unusual thing, and I ask you why you recollect the two things together?

A. The fact of Mr. McKim's being in was somewhat unusual, and I recollect Mr. Wilkinson coming in when Mr. McKim was there.

Q. You are not answering my question; do you recollect how often Mr. Wilkinson was in your office that day?

A. I did not see him more than once that day.

Q. Your memory is good?

A. Yes, good as to that particular day.

Q. You would not trust it as to the day following or the day preceding?

A. I would if it were a month after, but not probably nine or ten months after.

Q. Do you say at this time you were transacting any business for Mr. Wilkinson?

A. We were, just at that time and before.

Q. What was the business you were transacting for him?

A. Well, we had three separate classes of business in hand for him at that time.

Q. Have you been looking up to see?

A. Well, I looked to see whether the business with Wilkinson was entered at that time or not, and I find it was not.

Q. When did you look up that,—to-day, was it?

A. No, it was Wednesday morning.

Q. And what matter of business did you then find you were still conducting for Mr. Wilkinson?

A. Well, there was a libel suit.

Q. And had you entered the suit?

A. I had.

Q. Did you carry that on?

A. No, I think it was not carried on; it was not actually started. He was consulting and getting advice.

Q. Was it, as a matter of fact, commenced?

A. Excuse me—I thought you meant from that, had the suit been entered in the book.

Q. You know what the commencement of a suit is?

A. Sometimes a man goes and consults his solicitor two or three weeks before the writ is issued. If you had asked me if the writ had been issued——

Q. You would have answered me in that way?

A. That it had not.

Q. Was there another matter?

A. Yes.

Q. What was it?

A. I do not know how far we should go into this matter, giving Mr. Wilkinson's business away.

Q. Oh, don't give Mr. Wilkinson away?

A. Not him away, but his business. I said it would be probably improper for me to talk of his business.

Q. It is something which in the interest of Mr. Wilkinson you think should not be made known?

A. Yes.

Q. There was a third matter, you say

A. Yes.

Q. What was that?
A. That was another suit.

Q. Had the writ issued in that?
A. No.

Q. Did the writ issue in either of these three matters you speak of?
A. No, neither—I think on Mr. McCarthy's advice.

Q. Don't give me the advice of counsel; that may be letting me into the secret, and the thing may be cropping up again. Did you make the entry in this book?
A. There it is—J. A. Wilkinson.

Q. That is in December?
A. Yes.

Q. Have you any in February?
A. I will look and see.

Q. This is the general docket?
A. Yes.

Q. You have a general docket and a common law docket?
A. Yes, and a Chancery docket.

Q. Have you brought the other dockets?
A. This is the only docket I have.

Q. Do you transfer from your general docket to the Common Law docket?
A. No.

Q. What do you keep your general docket for?
A. For entries before the business is commenced.

Q. And when you commence the matter?
A. It goes into the Common Law or the Chancery docket.

Q. And does that carry you down to the present time?
A. Yes.

Q. Then anything of that preceding suit you would have in this?
A. Yes.

Q. And therefore if there was any entry in regard to these three matters, you would be able to show it to me for the month of February?
A. No, not necessarily.

Q. Because the writ did not issue in either of the three, do you find an entry in February of any business transacted by Mr. Meek or yourself or Mr. Wilkinson?
A. No.

Q. What is that book (showing)?
A. That is the cash book.

Q. Do you find anything there that throws any light upon the matter?

A. Yes, he paid $5.53 on the 6th of February.

Q. You have got nothing else that you are aware of in the shape of an entry of work done for Mr. Wilkinson in the month of February, 1884?

A. Well, there was an election case going on at that time.

Q. Is that entered in this docket?

A. The Algoma case is entered in the Common Law docket, I think. There were some penalty suits going on at that time, too.

By Mr. McMichael.—There was one in which a writ had been issued in the suit of Chantler?

A. That was entered.

Q. That was then going on?

A. Yes.

Q. Do you know when the writ was issued in it?

A. No, I forget.

By Mr. Blake.—Well, I do not see any entry in that book that has anything to do with Mr. Wilkinson being with you in the Algoma election?

A. Very likely not, because, as you are aware, in these election cases you charge and charge and charge, and you have nothing to do but keep on charging—so many people have to do with them.

Q. He came so often that you would not charge him?

A. Well, he would come in to see if there was anything new.

Q. If he came in seldom, I should think you might not charge him, but coming in so often?

A. Coming in and asking if there was anything further in the Algoma election case, and if I told him there was not, he would chat a little and then go out again.

Q. You did not yourself engross—you did not engross this agreement?

A. No, we were very busy.

Q. And you know nothing about it?

A. Yes, I saw it in the evening on Mr. Meek's table. It was written on two sheets of foolscap.

Q. Did you destroy it or did he?

A. I did not destroy it.

Q. Did you give Mr. McKim's message to Mr. Meek?

A. I did.

Q. And you say Mr. Wilkinson was so often in during the month of February that you did not think anything of charging?

A. Not in the month of February exactly; during all the time of the Algoma election.

Q. That would include the month of February?

A. Yes; but I am not speaking specifically of the month of February, but generally of that time.

Q. But I am asking if in the month of February there is an entry of Mr. Wilkinson being in your office?

A. Very likely there is.

Q. Just look and see?

A. On the 1st of February, I find his name here.

Q. In what action with you?

A. I could not tell just in what.

Q. What does it say?

A. Mr. Wilkinson and another.

Q. You do not know who the other was, or do you?

A. No, I do not suppose I would.

Q. Do you find it mentioned again in the month of February?

A. Yes, here it is on the 6th.

Q. Do you recollect what he was in on the 6th of February about?

A. I cannot recollect at this time.

By Mr. McMichael.—Q. That was the date the money was paid?

A. Yes, he paid the money on that day, but he might have been in for something else.

By Mr. Blake.—Q. Do you see any other date in February when he was there?

A. He was in on the 1st of March.

Q. So that you do not see any other entries there, although, as you have said, he was in almost every day?

A. I did not say in February; it might be from September up to July or August.

Q. That would cover February, would it not; I thought you said he was in so frequently that you did not make a note of it?

A. Yes, he came in and asked if there was anything new in the Algoma election, and I would not make an entry of that.

Q. When was it you made any other entry besides that in your diary in regard to the visit of Mr. McKim?

A. It would be probably towards the latter part of the week after; I should think about the 14th of February; and I tell you that from an entry in that book after the date of the 13th of February, when I entered a lot of charges.

Q. Had you any conversation with Mr. Meck in the meantime about the matter?

A. No.

Q. You entered the charge without any conference with him?

A. He told me about this; the import of your question was, had I any conversation between the 8th and the 14th?

Q. Had you any conversation with Mr. Meek about that second entry before you made it?

A. No, none whatever.

Q. Then, how did you come to make that second entry?

A. It would be the instructions he gave me on the evening of the 8th of February, after Mr. McKim's second visit to the office.

Q. What instructions did he give you?

A. He told me to charge Mr. McKim $4.00 for drawing up an agreement with him.

Q. Then you made no entry until the 13th or 14th?

A. No.

Q. Then what was the next date you made any entry in regard to this matter?

A. I had nothing further to enter in regard to it.

Q. And you think it was the 13th or 14th because of the position in your book?

A. Yes; and then the thing was not any more than four or five days behind. It would not be that much behind, but we had five or six cases in the Toronto Assizes, and we were working late at night. (Witness showed the position of the entries in the book.) I made all these entries together.

By Mr. McMichael.—Q. As I understand you, the only book that marks the date is that diary?

A. Yes.

Q. Then you just entered the date from that?

A. I just entered the memorandum of his visit.

This concluded the evidence before the Commission.

Mr. McMichael put in marked portions of the evidence of Mr. McKim at the Police Court.

Mr. McMichael.—My Lords, the reason I was anxious about Mr. McKim's evidence will suggest itself to the Commission when they consider that I was not here during the greater part of the examination. Mr. Meek, who detained me as counsel to appear for him, first in the Police Court, subsequently at the Assizes, and also to argue the case, though I was not able to be present in the Court of Queen's Bench, told me at the commencement of this investigation that he was not able to retain counsel during the whole of this time, and he had to do that which they say is a foolish thing, act as counsel for himself. Consequently I was not present during the investigation, and I did not suppose I would be called upon to do anything except to come forward when Mr. Meek was examined by the counsel for the Crown, and do what I could to protect him in the examination. He has, however, asked me to make an argument on his whole case, which of course I am willing to do; but my information must be chiefly gathered from the evidence given in the Police Court, taking it for granted that that is substantially what was said in this court; and if in any way I fall into error, I must take the word of others who have been here. It appears to me that this question has a threefold aspect, and that Mr. Meek is called upon to answer three charges. One is a charge of an offence against the Common Law only, that is, the offence of conspiracy. Conspiracy is not one of those things which, according to the statute, are offences against the Legislative Assembly. At page 192 of the Revised Statutes of Ontario, sec. 45 of chap. 12, the Act respecting the Legislative Assembly, is as follows:—

"The said Assembly shall have all the rights and privileges of a Court of Record for the purpose of summarily inquiring into, and punishing as breaches of privilege, or as contempt of court (without prejudice to the liability of the offenders to prosecution and punishment, criminal or otherwise, according to law, independently of this Act), the acts, matters and things following."

After mentioning assaults, insults, libels upon members, obstructing, threatening, or attempting to force or intimidate members, the Act, at the third sub-sec., says:—

"The offering to, or the acceptance of, a bribe by any member of the said Assembly to influence him in his proceedings as such, or the offering to or acceptance of any fee, compensation, or reward by any such member for or in respect of drafting, advising upon, revising, prompting or passing any bill, resolution, matter, or thing submitted to or intended to be submitted to the said Assembly or any committee thereof."

Then various other matters are mentioned, but conspiracy is not mentioned among them; and I think myself that you might with as much propriety say that petty larceny is an offence against the Assembly, as that conspiracy is an offence against the Assembly.

The CHAIRMAN.—Suppose the larceny consisted in stealing the mace?

Mr. MCMICHAEL.—Then I fancy that would be a crime against the Common Law, and the Assembly would not treat it under this statute as being specially amongst the offences here spoken of. Now, conspiracy is a crime at Common Law. In the case of O'Connell *vs.* the Queen (11 Clark & Finnelly, page 233) Lord Chief Justice Tindall, with the concurrence of the whole court, says:—

"It has accordingly been always held to be the law, that the gist of the offence of conspiracy is the bare engagement and association to break the law, whether any act be done in pursuance thereof by the conspirators or not."

And that was in a case in which there was a second count alleging conspiracy without any overt acts. Then, Mr. Meek is also here to answer to the charge of bribery as a crime at Common Law; and in the third place he is here to answer to the charge of offence against the House of Assembly, under the 3rd sub-sec. of the 45th sec. of the Act respecting the Assembly, which I have read. A good deal was said by my learned friend, Mr. Bethune, as to the high character of the House of Assembly, on which I wish to make one or two remarks; but in the meantime I may say that if I understand the history of the House of Commons, the privileges of Parliament are protected by themselves, under their own Acts, as in this case the Legislative Assembly constitute themselves a Court of Record and give themselves power to protect themselves against any insult committed against themselves. This present Commission is a Commission from the Queen. The proper protests against it have been entered, and I do not say one word about it; and therefore, assuming for the present that it is perfectly authorized by the statutes which have created the Provinces and Dominion, I simply say that the Crown has authorized the inquiry into the conduct of Mr. Meek on these three matters, and the report of the Commission is to be made to the Crown—to the Lieutenant-Governor. Although the Crown may be said to have instituted a new court, and appointed judges over that court to inquire into criminal matters, instead of having them inquired into by the usual tribunals, yet I take it that wherever criminal matters are to be inquired into, the law relating to criminal matters will be applied, and that although the Legislative Assembyl may say that evidence taken in the absence of persons will be used against them, it can only be used against them in those things over which the Legislative Assembly claims jurisdiction. Now, looking at the matter in that light, Mr. Meek has been present here, has heard the evidence, and has been examined upon it, with reference to the same charge upon which he was tried in another court and partly upon the same evidence. Mr. Bethune, in his argument before this Commission, says:—

"Under our system we are ruled in this Province by the House of Assembly, as

England is by the House of Commons, the members of the House of Assembly constitute as it were the governors of the Province. The members of the Administration, the Executive for the time being in the Province, are really a Committee of the House of Assembly. We, therefore, get in the Assembly of the Province the highest body both Executive and Legislative, because, after all, the Legislative Assembly is the real Executive body."

I cannot quite assent to the whole of that proposition, because I think the House of Commons in this Dominion is the House of Commons, and has control over the whole Dominion, and I cannot consider that the Legislative Assembly entirely usurps and displaces the House of Commons, and becomes the sole and absolute ruler of this Province. Whatever privileges have been accorded to the Legislative Assembly, or that they have accorded to themselves by statute, it must be remembered that they are not in the position assumed by the House of Commons in England, and that they lack many of the powers possessed by the House of Commons; and the House of Commons is not a precedent, is not assumed as a precedent for what is done by the Legislative Assembly, because it is a well-known principle, admitted by all writers on parliamentary practice, that wherever the House of Commons, which has authority in criminal matters, has a matter to be tried by the criminal court, it is not allowed to be spoken of in the House. They do not try the thing twice. It is, of course, the fact that in our civil courts the principle is clearly acknowledged. If I were sued in two courts for the same cause, I would plead in one with perfect success, "action pending," and the same plea would be open to me in any criminal prosecution in any of the constituted courts of the land. I could not plead in the Court of Queen's Bench, nor in any criminal court, that Mr. Meek was here being tried for the same crime of conspiracy, nor can Mr. Meek enter his defence here and say, "I am already charged with this crime before another court." In that respect the Legislative Assembly is not like the House of Commons, either in its powers or in the manner in which things are done. Now, I direct my attention first of all to the first charge, namely, that Mr. Meek conspired with various other persons to do certain acts. Conspiracy, as I understand it, may be of two characters: it may be a conspiracy of several persons to do an unlawful act, and it may be a conspiracy of several persons to effect a lawful object by unlawful means. Now, the charge of conspiracy here, as I take it, is to effect a lawful end by unlawful means, and unless the unlawful means are part of the original combination, the proof of conspiracy utterly fails. Suppose, for instance, that ten, fifteen, or twenty persons combine together to do what they can to bring the majority to the Conservative side, and suppose these persons caucus again and again for the purpose of overthrowing the existing Government, and suppose the object of their combination was simply to oppose, without the means of bribery, then, this confederacy, or conspiracy or combination, whatever you call it, is not one which the criminal law would touch. But if they meet together and say, "We will combine to destroy the Government by bribery," then it comes within the scope that is attempted to be reached here. I will draw another distinction. Suppose twenty men engaged to do a lawful act, and that no unlawful means form any part of their combination, then, if any of the members, without the consent or connivance of the rest, use unlawful means, while those members may be guilty of an unlawful act, the combination are not to be held guilty for what those members of it do. Although it is true that where a conspiracy is once proved to do what is unlawful, you may hold all the members engaged in it liable for what each of them does, yet if the combination itself is not unlawful in its purpose, then the mere fact that one takes unlawful means of accomplishing it does not make the rest liable for what he does. The original intention must be unlawful, or must include within it something which is unlawful. To apply this principle to this case, suppose a number of persons were very anxious to overthrow the Government, but that bribery formed no part of their intention, then I say they would not be held guilty of what anyone of them did. Until it is proved that doing it by bribery was part of the original scheme, the conspiracy or confederacy does not as such become illegal. As I have read from the remarks of Lord Chief Justice Tindall, the intention itself, without any overt act, is an offence. If they combine together and say:—

"We will bribe and overthrow the Government by that means, whether they carry out their intention or not, it is an illegal conspiracy. If they do not do anything of that sort, and never intend anything of that sort, but some one or two of them do, the others cannot be held liable for that, nor can any of the others be brought in or be made liable for anything they said or did."

Suppose it be said that Mr. Wilkinson was talking about parties who were here, all I can say is that Mr. Meek has to stand here alone by himself, just as Mr. Wilkinson has to do. The other persons charged have been careful not to include Mr. Meek in any portion of their defence, and I am here to answer simply for what Mr. Meek has done without any reference to any of the others; and I say, until it is shown that Mr. Meek and others have been guilty of a combination in which they intended to overthrow the House by means of an unlawful act, anything said or done by Wilkinson or any other man is no evidence against Meek, if he were no party to a conspiracy which was in itself wrong. I take this to be the case on the rules of criminal law, and I ask to have these rules applied, although, so far as I could see, there were many things supposed to be legal to the inquiry, that would not be allowed in a court where the same crime would be tried, and I heard and thought the counsel for the Crown in pressing this matter did not feel himself fettered in the same way in his conduct towards the parties, that a counsel in a criminal court would where a prisoner was being tried. Now it is to be remembered, as far as this branch of the case is concerned, as far as the criminal act is concerned which the Commission is inquiring into on the authority of the Crown, that Mr. Meek has to be tried by evidence, and we have to ascertain whether it is proved that he has been guilty of conspiracy. If I understand the evidence of McKim, his first meeting with Meek was on a certain day in February. I think it will be found upon examination that the date that Mr. McKim gives, namely, the day of the Speaker's dinner, was the 7th of February; and I think it will be found that if on that date the interview took place, he must have seen Bunting before he saw Meek, for he went straight from the Speaker's dinner to the *Mail* office to see Bunting. I might remark here in passing that it was a most extraordinary instance of a man wanting to be bribed—that he goes at twelve o'clock at night and climbs those three or four flights of stairs, up to the highest place to see if he cannot get hold of Bunting and be bribed by him. Mr. McKim in his evidence before the Police Magistrate was asked whether he went up by the elevator, and Mr. McKim, upon thinking the matter over, came to the conclusion that he had better say, or perhaps his memory told him so—that he climbed up the stairs; for it is not probable that the old man in charge of that elevator would be there at that late hour to help people up and down. If it was a painted picture, it would be an amusing thing to see that weary and worn pilgrim climbing those stairs to get to the fourth flight to see if he could not be bribed. It was really a case of seeking knowledge under difficulties. Now if that was the time, the 7th, and that is the date of the Speaker's dinner, then it was the day before the day that he came to see Mr. Meek. He admits that he did not know Mr. Meek, and Mr. Meek did not know him. What business had he at Mr. Meek's office? What brought him there? He gives a piece of evidence which I ask your Lordships to discard squarely and immediately. He said he was going to Mr. Bunting's room, and that the man at the lift asked him his name and took him to Mr. Meek's room. That evidence should never be heard if that took place. Why did they not produce the man and bring him here to say he was instructed by Mr. Meek to do it. It is a piece of hearsay evidence, most important in its character, and yet it is not followed up as men would do or ought to do when establishing the guilt of an individual, by showing that that man was acting under the direction and authority of Mr. Meek. I say, if the rules of evidence are applied here at all, I throw that evidence utterly aside, and ask your Lordships, so far as Mr. Meek is concerned, to try this as a case in which Mr. McKim approached Mr. Meek's office on the 8th day of February, not knowing the man, and without having any invitation whatever from Mr. Meek to come there, and in no way authorized by any person but himself to go there. He begins his account in the Police Court, on page a2, by saying:—

"The first thing this man asked me my name; he told me he was to take me to this room, naming the room, and I forget the number; he showed me to the room. I think this man either rapped or opened the door, I won't say which: I went in; I found Mr. Wilkinson and Mr. Meek there; they had some papers there like a law office; it is a law office."

Now, his statement that he went there under the directions of that man, and what that man said to him, I contend are to be thrown aside, because they do not choose to bring that man here and connect him in any way with Mr. Meek. He says he was not sent there by Mr. Wilkinson, but was told to go to Mr. Bunting's office. We meet with a contradiction now at the very outset. Mr. Meek's office consists of two rooms He has a clerk in the outer office, and he himself sits in the inner office. When Mr. McKim came there the clerk was there, and the clerk went into the inner office and gave Mr. McKim's name. Mr. McKim is contradicted squarely by Mr. Meek and by his clerk. Now, this is a question of innocence or guilt. I am speaking now of the crime of conspiracy. I am dealing with a matter which cannot come before the House of Assembly in that shape; and I am asking the Commission to take the evidence of those two persons as against the evidence of Mr. McKim who, according to all the evidence they chose to produce, comes to Mr. Meek's office, unsolicited by him or anyone else. He enters into the office, and the clerk says, and Mr. Meek says, that Wilkinson was not then there. Wilkinson came in, according to their account during the time, and left, and during that time a paper was drawn, for which Mr. Meek has made a charge. Now, here is as good a time as any to give my version of what I understand must have been the circumstances there. I charge that Mr. McKim was trying at that time to get money from Kirkland, and he admitted in his evidence before the Police Court. that he had said to Kirkland that he had been doing a good deal for him, and that he ought to receive some pay, and that he claimed $3,000. Why did McKim go there then? He did not want to let the House know, nor did he want to let anyone know, that he was breaking the rules of the House, as defined by this 45th clause, which refers to "the offering to or acceptance of a bribe by any member of the said Assembly to influence him in his proceedings as such, or the offering to or acceptance of any fee, compensation or reward, by any such member for or in respect of drafting, advising upon, revising, permitting or promoting or passing any bill, resolution, matter or thing submitted to, or intended to be submitted to, the said Assembly or any committee thereof." Now, that he was guilty of that Mr. McKim admits. He was asked if he did not himself name the price, and he said he did, and he admitted that he did it because he thought he had done work that ought to be paid for. Now, he did not want, as Mr. Meek gives the evidence, to go to the Reform people and own up to this, and what did he ask Mr. Meek to do? To draw up a document without any names, or any sum, just giving the form of a document, in which he was to be paid for something in connection with the timber limits. Now, we have the clerk's evidence here, and we have oath against oath. We have the evidence of the clerk that Wilkinson was not there when McKim came in. We have Meek's statement that he stated his business before Wilkinson came in, and we have Mr. Meek's account that after Wilkinson went out he drafted the document, and it had no names; and we have the account that after he had done it, he then went away, came back to the clerk and said that nothing could be done, that they made the charge for it, but that he never came for the matter at all. Now, that accords with all the evidence. McKim admits that he had demanded money from Kirkland. Meek says that the paper had reference to certain things which point to Kirkland, that McKim afterwards said that the Yankee had no money in him, showing that he had gone to the Yankee and had failed; and that, having done that he made the remark that the person to whom he had gone had refused to sign it, and that came to an end. This was in February. Long before these troubles opened McKim says himself that Wilkinson went away shortly afterwards; then the thing remains as it was then, without any reference to anyone else. Now, that was his first interview, as he states it, with Meek. The evidence is directly contradictory on that point; and if there is that difference in dates that I have spoken of, then we are satisfied in saying that Mr. Meek is strongly supported in many points as to the probability of what he had said. I must make one or two remarks here on the character of McKim. It is the most extraordinary instance of a man being approached that I ever saw. Bunting doesn't come to him; but he goes to Bunting; Meek does not come to him, but he goes into Meek's office. He lets himself out as a sort of lackey, a sort of groom of the chambers to Wilkinson, and he goes around and consults with the Government and they decide upon those persons who are most likely to be useful in either accepting, or at any rate to whom bribes can be offered—select a rotten subject if you want to have an experiment upon it. They tried their hand and they selected Balfour. Lyon and Dowling. They were not selected by Wilkinson, but by McKim, and they were selected under the direction of the Government. Having been selected, Mr. McKim presents himself as the groom of the Chambers, and he brings them in one after the other, and they approach Mr. Wilkinson to see if they cannot be bribed. The very able remarks that were made by Mr. McCarthy on the character of those persons who not only take guardianship and watch in order to detect crime, but solicit crime and assist in its perpetration, apply with terrible force to McKim. I shall have a remark or two to make on that bye and bye when I speak on another part of the case, namely, the part in which he is charged with endeavouring to corrupt the Government; but I am speaking now only of the common law crime. Now, if Mr. Meek's evidence is true, there was no combination or confederacy in that room; if Mr. Meek's evidence is true there was no conspiracy there formed. Mr. McKim did not go to that room at the solicitation of Mr. Meek or at his direction. He came there as a stranger. While there he got a certain paper drawn, and while there nothing was done by Meek or Wilkinson to give the least evidence of any combination or confederacy. It depends on the evidence of Mr. Meek, corroborated by that of his clerk on the one side, and the evidence of Mr. McKim on the other; and if it were just on the simple evidence of these two, I would ask that the evidence of McKim should not be allowed to weigh against the positive oath of the other man. I say that McKim, who has already shown his readiness to receive gifts, and whose character has been pretty well limned before us, has not got a character that ought to make his evidence weigh against that of another man, backed up, as Mr. Meek's is, by the evidence of the other. Now Mr. McKim was evidently serving two parties; he was serving the House and he was laying himself out to do what he could to serve McKim. Mr. McKim is asked by Mr. McMaster, at page a39:—

Q. "Is it a fact that you were deliberately going to Mr. Meek and Mr. Wilkinson and Mr. Bunting with a view to entrap them into bribing you and bribing other members?

A. "This gentleman, Mr. Wilkinson, arranged with me that I was to go there."

Now, he never arranged with him that he should go to Meek's office; he swore that he was going to Bunting's office, and that he went to Meek's office because of something that happened on the stairs; "arranged with me that I was to go there, and I did nothing then to trap them, the whole of them, and as many as I could trap.

Q. "You were there for the purpose of entrapping them into this illegal act?

A. "I was."

Now, consider the case. He admits that Wilkinson did not make any appointment with him to go there. He offers no evidence whatever to show how he got there, except a conversation with a man on the lift, which ought not to be read, because they should bring that man and show that he had some connection with Meek in order to bring him there. Taking, then, that fact, that he went to Meek's office, unsolicited by Meek. and not directed by Wilkinson, and the fact, as he says, that he went for the express purpose of trapping Meek and Wilkinson into an illegal act—entrapping them to commit bribery—I think it is as strong an expression of a man intending to do an illegal act as could be made. Mark you, he had not seen Meek up to that time; he did not know Meek before; he does not say he had heard anything about Meek. He had long conversations with Wilkinson, but he had no conversation with Meek—had no acquaintance with him, and yet, as he says, he went there for the distinct purpose of trying to entrap them. The question goes further:—

Q. "And Mr. Pardee knew that?

A. "I believe he did; I reported regularly; but I never spoke to Mr. Mowat about it from the time it first took place until the disclosure in the House."

Now, if the statement of Mr. Bethune is correct, that whatever they did was the action of the whole House, then we have the whole House taking this step; that is to say, the action of the Government, and the action of the House, in sending Mr. McKim there that he might entrap Meek and see if he could not get him to do some act by which he would be made guilty. The difficulty in Mr. McKim's evidence at the Police Court is, that instead of beginning at a former date and telling of previous conversations with Wilkinson, he jumps in *medias res*, and the first thing he mentions is his going to the office of Mr. Meek. That evidence is given for the purpose of establishing a connection between Meek and Wilkinson, and building up a conspiracy, in order that they might bring in the rest, and say that whatever anybody else said or did, was said or done by the conspiracy. Now, that is the only evidence which is given as a foundation for a conspiracy. Before Mr. McKim saw Mr. Meek again, he had forgotten him. When Mr. Meek went to the House, Mr. McKim went there, bringing a letter from some person—I forget the name—for Mr. Meek, and somebody had to show him Mr. Meek, and he did not know him. That is the beginning of the conspiracy, and that is the main place in which Mr. Meek appears. They had no conversation at that time, but subsequently Meek met him in Wilkinson's room, and Mr. Meek's account agrees with Mr. McKim's, that McKim came for him to go there. Now, if the evidence of a conspiracy in Mr. Meek's room is displaced, and I cannot see that Mr. McKim, who swears to such conduct as has been proven against him, can claim any such high qualities of character as to entitle him to be believed above Mr. Meek. If the evidence of what was done in that room fails, then Mr. Meek is free from all the other steps subsequently taken by the party, no matter what they were, to the bribing, and that bribing cannot be charged against Mr. Meek, because he happened to be a member of that association who were willing to do what they could to overthrow the Government. On page a13 there is a good deal of evidence given about a conversation with Mr. Bunting, and at the bottom of the page Mr. McKim is asked:—

Q. "Since the time you met Mr. Meek in his office, have you met him anywhere?

A. "Oh, yes; I think the first place I met him was in the Parliament Buildings the same night I saw Mr. Bunting. How I came to meet him there was this: Mr. Wilkinson had sent for me, I think, to the Buildings; he was down waiting for me at the Walker House. I went down and he gave me a letter to take up to Mr. Meek, and he said Mr. Creighton would find him. I said that I did not know that I would know him again in a crowd, and he said Mr. Creighton would find him for me, and then I was to hand him this letter. I called Mr. Creighton out; he is a member of the House, and he found Mr. Meek, and then I handed the letter to Mr. Meek from Mr. Wilkinson, and he left; that was all then. There was not any conversation that night that I remember of. I met Mr. Meek in Mr. Wilkinson's room some nights after that, at the Walker House, and Mr. Lyon and myself came in; we were to see him in reference to the protest; Mr. Wilkinson was present."

Now, Mr. Meek says that was the second and the only other meeting that he had with Mr. McKim, that Mr. McKim came to him and told him Wilkinson wanted to see him, and he told him he could not go then, but would go down afterwards. It seems they had a good deal of talk there. Mr. Meek went down afterwards, and he gives his account of what took place. Here is what McKim says about it:—

Q. "You and Lyon and Wilkinson and Meek were present in Wilkinson's room?

A. "Yes, about the protest against Lyon?"

It was not about the Timber Policy, but about the protest. Then we come to see how this account agrees with the evidence of Mr. Meek :—

"Mr. Meek said that he would not consent to have the protest withdrawn, and became rather indignant about it. Mr. Wilkinson said that Mr. Bunting was willing; I heard Mr. Bunting say, I said that he was willing, and he (Mr. Meek) did not care about that; he said that he had control of it, and he was going to carry it out himself; that was the end of that matter so far as I know."

Now, Mr. Meek was brought there for the express purpose of the withdrawal of that petition. The charge is that Meek undertook to bribe Lyon by offering to withdraw his protest, and the evidence is that he, certainly at the first, refused to do it, and got angry when it was suggested to him. Now, if there was any combination or conspiracy in the room, when Meek went there, there was no combination afterwards. Mr. McKim's evidence goes on :—

Q. "On that occasion was there any further talk about general operations?

A. "There was; we had a conversation about this gentleman; we called him the Yankee.

Q. "Who are 'we?'

A. "Mr. Lyon and Mr. Meek and Mr. Wilkinson and myself."

These four were present. They were speaking of the Timber Policy; and McKim says :—

"In speaking of the timber, Wilkinson said that we would not have anything to do with Kirkland, because he might come afterwards and claim that he had defeated the Government, and claim this timber, or have it over the Government's heads about getting this timber; he says, we want this timber to divide up amongst ourselves, and at that particular moment Mr. Meek said, 'I put in an application for the solicitorship of the company.'"

Mr. McKim says further :—

Q. "After that occasion did you come to see Mr. Meek at any other time?

A. "I did not come to see him; I saw him again at the Walker House, and then on that occasion he said that he did not understand us that night, did not properly understand about the petition, but now he was prepared to say that the petition would be withdrawn."

Mr. Meek directly contradicts that; I do not know what Mr. Lyon said about it. Mr. McKim goes on :—

"After we left the room Mr. Lyon and myself went down, and we were sitting in the Walker House when Mr. Meek came down and came across to where we were sitting, and said it was all right now, that the petition would be withdrawn, in a very friendly way, and shook hands with both of us, and left us."

Mr. Meek's account of that occurrence is a very reasonable one. He says he told Lyon that he would not withdraw the petition, but what he answered him was, "You are an idiot, or you must take us to be idiots, if you think that after you joined the party, that it would be our interest to proceed with it." He says, if that was the offer of a bribe, he was guilty. But he did not offer any bribe, he merely mentioned what must be the natural consequence of what was to be done. Now, we have, according to Mr. McKim's evidence, three occasions on which he and Mr. Meek met: they met in Mr.

Meek's room, then he receives a letter for Mr. Meek, and then Mr. Meek is brought into Wilkinson's room where Lyon and the others are, and McKim sees no more of Mr. Meek from that time out. There is a great deal of evidence of what was done by Wilkinson, all of which has no bearing whatever on Mr. Meek, for Mr. Meek was no party to a conspiracy from the commencement. That which happened at his office is brought in as the connecting link, but unless that connecting link is proven, I contend that there is no evidence whatever by which Mr. Meek can be connected with any conspiracy. Mark you, this occurred on the 8th of February. Weeks passed over. As Mr. McKim says, he had thought it was all done with, and it was at a much later period that McKim undertook to ride this high horse, and gallop over these people; and during that later period the only time we find Mr. Meek is at that one meeting, at which he refused to withdraw the election petition, although he was brought there for that very purpose. That does not look like a conspiracy on his part. Now, Mr. McKim gives some evidence as to Kirkland which bears upon the statement I made regarding the truthfulness of the statement Mr. Meek makes. On page a22 :—

Q. "Where did you have any talk with him?

A. "We had several conversations about this timber policy of his, and he thought the policy that he had got in view or in his mind was better than the present policy of the Commissioner of Crown Lands. I did once or twice, and I had not an opportunity, or at least I had not spoken to him about it.

Q. "Did you ever have any conversation with him in your room?

A. "Yes; one of the bell boys came up and asked me if Mr. Kirkland could see me; I came down stairs; he asked me if we could have a half-hour's private conversation in my room or somewhere else; I said I could, and he came up to my room."

Then he spoke about buying-up people :

Q. "Tell us the words?

A. "He said the money would be forthcoming if I knew a person that would do anything in that way.

Q. "Did you speak of any sum of money to him?

A. "I did not then.

Q. "Did you at any time?

A. "Yes; I met him afterwards somewhere.

Q. "Did he at any time?

A. "Yes; I said I had a good deal of running about, about this business with myself and Mr. Wilkinson, and he sometimes met us, and I said it was worth $2,000, and he said, yes, he would give me another thousand on the top of it.

Q. "Your price was $2,000, and he offered another thousand?

A. "Yes, that was just about it; I have nothing to conceal."

That is the violation of this 3rd sub-sec. of sec. 45 to which I have called attention. I can understand that Mr. McKim, if he was anxious to get that money, would endeavour to get something signed from him on which he could depend. At the bottom of page a25 he is asked :

Q. "What was the amount you asked him (Wilkinson)?

A. "$2,000.

Q. "That is the largest price you put yourself at?

A. "Yes; excuse me, the registry office with $1,000 a year, and my expenses paid from Winnipeg; you must not underrate me.

Q. "You first of all asked $2,000?

A. "No, not first of all.

Q. "What did you first of all ask?

A. "Well, I did not ask anything then.

Q. "What did you ask when you asked anything?

A. "$2,000 was the smallest sum I asked; that was the largest Mr. Wilkinson offered me.

Q. "So that you got your $2,000 in the hand?

A. "No, $1,000; I got a promise of $500.

Q. "Whom did you first approach in regard to this matter?

A. "I did not approach any person first."

I will now speak of the offence of bribing, although it divides itself into two parts, namely, first as a common law offence—

The CHAIRMAN.—There is no charge of bribery, as I understand it.

Mr. MCMICHAEL.—Yes, I understand there is bribery.

The CHAIRMAN.—Conspiracy to bribe.

Mr. MCMICHAEL.—Then if it is conspiracy to bribe I think the charge is outside of the House altogether, and the House has nothing to do with it. I think the words used are "bribery and conspiracy"—the two charges—"to investigate the charge of bribery and conspiracy aforesaid." The argument that I was using, that Mr. Meek could not be held liable if there was no conspiracy applies equally when we come to the question of bribing, because each act of bribery, when we speak of bribery by itself, must be an act by Meek himself. It was one of the peculiarities of introducing the word "conspiracy" that they could gather together all the acts of A, B, C, and D, and then make them all apply to A and B, to C and to D, whereas if there was no conspiracy each of them must be taken to stand for his own act, and not for what was done by anybody else. Therefore, bribery being a common law offence, I said the House had not made that one of the matters that they could take charge of. Now, what is the bribery that Mr. Meek is charged with? He is charged with attempting to bribe Mr. McKim in that room when Wilkinson was there, and he is charged with endeavouring to bribe Lyon by promising to withdraw his petition. No offering of money is charged against him, and no bribery except in those two places. He is not charged with having spoken of money when Lyon was there, and the money he is charged with speaking of must have been spoken of in that room when Wilkinson and he were there. Now, I have already mentioned what I think is a very strong argument, namely, that the House should take care of their own privileges. They put themselves in a position, if Mr. Bethune's argument is true, in which they cannot complain of what is done by these parties at the solicitation of McKim. If a man attempts to bribe one of the members of the House it is a breach of privilege, according to the statute which I have cited, whether they mean by that that the privilege of bribing was one of their own, or that they shall keep the House free from bribing. It is also a contempt of the House as a court of record. Of course, there is another point which arises there, although it does not arise before the Commission, and that is the well-known principle laid down by one of the judges in Stockdale *v.* Hansard, 9 Adolphus and Ellis, page 114:

"The privilege for committing for contempt is inherent in every deliberative body invested with authority by the constitution. But however flagrant the attempt the House of Commons can only commit till the close of the existing session. Their privilege to commit is not better known than this limitation of it. Though the party should deserve the severest penalties, yet his offence being committed the day before a prorogation, if the House ordered his imprisonment but for a week, every court in Westminster Hall, and every Judge of all the Courts would be bound to discharge him by habeas corpus."

That does not arise, of course, here, because you are not acting for the Parliament, but for Her Majesty, who has asked to have these things inquired into. But when they are inquired into, with reference to the breaches of privilege or the contempt of the House, then the argument of my learned friend, Mr. Bethune, which seems to be very cogent in the matter, applies; in which he says that:—

"Under our system we are ruled in this Province by the House of Assembly, as England is by the House of Commons. The members of the House of Assembly together, constitute, as it were, the governors of the Province. The members of the Administration, the Executive for the time being in the Province, are really a committee of the House of Assembly. We therefore get in the Assembly of the Province the highest body, both Executive and Legislative, because after all the Legislative Assembly is the real executive body."

Taking that as being the true principle, I take it that the House, acting through the advisers of the Crown, were sending this man out and directing him to put himself into Wilkinson's hands, and selecting for him the persons whom he should choose should be bribed; and when these men went at their solicitation to get themselves bribed one after the other, whatever crime may have been committed against the common law, I say these men and the House were placing themselves in the position of inviting the insult. The word they use is "approached." How did Bunting approach McKim? Bunting sat in a room on the fourth story of the *Mail* office, and McKim climbed up there at night to get to him to be "approached." Meek sat in his office, attending to his business, and McKim came there to be "approached." Wilkinson sat like a sultan in his room, and through McKim as his errand boy, sent to the House to get Balfour and Dowling and others, and to induce them, one after the other, to come to Wilkinson's sitting room. McKim says he had an arrangement with Wilkinson. He says, "Whenever he gave me a wink or something, I was to go into his room; I was at his beck and call, and I brought him one after the other the men who were to be bribed." And he says all that was done, not only with the connivance of the members of the Government, but that they sent him —that they were the persons who sent him to entrap Wilkinson, to entrap Bunting, although they did not send him to entrap Meek but once. It is said that if a man lets you know that he is going to rob you, and you open the door to let him in, you are *particips criminis*; or if you put a thing in a place where a man is invited to steal it, you share in his crime. Now, it is one of the privileges of the House that men shall not offer them a bribe, and that they shall not accept a bribe. At such a time, it is not for them to speak of their dignity being insulted. We are no longer talking about a crime against Her Majesty the Queen. There is a broad distinction between the Queen and the House of Commons. The House of Commons has always guarded its own privileges. What would be said in England if the House of Commons sent a messenger to a certain man, had him brought to the House and said to him, "Couldn't you bribe one of these men?" Would it not be a folly and a farce? If the House of Assembly sends for Mr. McKim and says to him, "There is Dr. Dowling, offer him a bribe," what is the difference in principle? If the House, sitting there as a House, sends for a man and says to him, "Who amongst us will you bribe?" or if the House says to Mr. Dowling, Mr. Balfour, or anybody else, "Go to Mr. Wilkinson's room and ask him if he won't bribe you," where is their dignity? I say they bring contempt on themselves, and they cannot be surprised if they are treated with contempt. They could not be surprised if a man says, "If you are mean enough to send your men here to be bribed, we will buy you out and out."

McKim had already made himself liable, and my suspicion is that they caught him at it, and then turned him into a decoy duck to see if they could not through him accomplish some other end. Is that a man of dignity or a man of worth? It is not every man in the House that would consent to be used in that way; Dowling, although he has, I understand, been disqualified from being elected, is a man who entered into that dirty work with very great unwillingness; but at last he climbed the stairs that McKim had climbed before him, and went to Bunting's room to see if he could not get something done at the command of the House. What is done in an action for seduction? When a man proves that his daughter has been seduced, is not one of the inquiries into his conduct—has he brought his daughter anywhere and presented her for seduction? and if so, no damages are obtained. So, if the House finds these people ready to go and commit such offences, I say the House has no dignity to support; I say the man who does it has degraded himself, and his oath is not to be taken in comparison with that of other men. We all know how unwilling they were to be called informers. They are lower than informers or detectives; they are accomplices. These persons not only shared the secrets,—yes, more than that—they undertook to assist in carrying on the work. As to Cascaden's conduct, that stands simply by itself. Cascaden says that at a certain time he had two conversations with Mr. Meek. They were in the early part of the session; and after you have heard what Dr. Cascaden's character is, after you have heard people standing high and respectably, say that they would not believe him on oath, I have just this to say, that Mr. Meek states that no offer whatever was made by him to Cascaden. Cascaden spoke to him, and Meek was willing to see if he could influence him to join this coalition. Meek was willing to do that, he says frankly, and did it; but he says he never made him any offer, and he had no authority to do so. He has not had much money to offer, and he has not been protected by the Government or anybody else in this case. He says he had nothing to offer him, but what he told him was that a man belonging to a party was generally likely to receive something from them; he may have said that, but that would not be offering him a bribe. Now, Mr. Meek's formidable opponent, the man who is endeavouring to injure Mr. Meek all he can, Mr. McKim, has just had two interviews that he can tell us of, and we have the evidence on the other side. I think Mr. Meek is entitled to a good deal of consideration in this whole Commission. In the first place, he has had the expense of defending himself at another court, and he has had all the troubles and time lost in going over the same matter in this court. He was told at the first that it was an inquiry, and that the inquiry being made, every person who could give any light upon it would be brought here. He offered his men, and then he was told by the Crown that they would take such ones as pleased them, and he must do the rest himself. The Crown come here, and they have money at their command, the ablest counsel are brought, the witnesses can be kept here, half a dozen and a dozen and three dozen, day after day, and well paid. Mr. Meek cannot do that, and the inquiry really is an inquiry into that which the Crown supplies the means mainly of inquiring into, and the Crown affords the means of making the inquiry. Even the counsel for the Crown, when the members of the Government are attacked, changes his position and becomes the defendant, and comes in to defend them while somebody else is found in the prosecution. Mr. Meek has no such favour. No Crown counsel, well paid by the Crown, appears for him, and he has had to do the best he could both in the getting of evidence and the having his case called. Now, we say that he has not been guilty of conspiracy; that although the Commission is authorized by the Crown—we take it for granted at the present they have the power to enter into the inquiry, though it is trying a man a second time—that he has not entered into any conspiracy, and that all the evidence that is given as to Wilkinson cannot bear against him if the statement made by Mr. McKim, of what happened in that room is not true. I think it will be found, if the inquiry is made, that on the evening of the 8th, the afternoon of the 8th, that Wilkinson left the city, and that if Mr. McKim went to Mr. Bunting's office, that he went there on the 7th—in fact that must be the day if the Speaker's dinner took place, as I understand it did, on that day; that on the 7th he went to Mr. Bunting; and if he went to Mr. Bunting's on the 7th, then the whole of that story is a fabrication. If the Speaker's dinner was on the 7th, if his meeting in the office with Mr. Meek was on the 8th, then the whole of that story that he was sent to Mr. Bunting's office, and that in going up to Bunting's office he was diverted and sent in another direction by the elevator-man, that whole evidence falls to pieces, because, instead of that, he went to Bunting's on the 7th, and never reported to Bunting that which happened on the 8th, that he went to Bunting's on the 7th and made his appearance in Meek's on the 8th, and no doubt that that is the time he did appear; and then when he did get there on the 8th that he afterwards, while there, did what he could. Now, I put before the Commission this state of facts on behalf of Mr. Meek. I am sorry he has not been able to employ two or three counsel, as the Crown has, and as the parties here against whom the accusation was made, have done.

The CHAIRMAN.—When he has you employed he is ably defended.

Dr. MCMICHAEL.—I feely highly the compliment your Lordship pays to me. I wish I could accept it, I will not say in the spirit in which it is given, but I wish I could accept it as true.

Mr. BLAKE.—Won't you accept that finding of the Commission?

Dr. MCMICHAEL.—I think the Commission in that case has been overborne by their kindness of heart, and are not in a judicial position. I have presented it to the Commission as well as I could, and I claim for Mr. Meek that there should be in this matter a report in his favour.

The CHAIRMAN.—We are all so anxious to get through in this case, that I believe my brother Commissioners will probably be able to sit on Monday, and I shall endeavour either to get my own work postponed, or discharged by some other Judge for me, and we will meet on Monday to hear the arguments of Mr. Blake and Mr. Caswell. Dr. McMichael, we want you to put in the evidence of Mr. McKim in the Police Court, which is read by you, marked; and Mr. Blake puts in the whole that he reads, the extracts to be put in as the original paging. Mr. Johnson, I think you should leave with the clerk the affidavits of service, or attempts to serve.

Mr. BLAKE.—I have these collated; I was going to give them to the Commission.

Commission adjourned till Monday at ten o'clock a.m.

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MONDAY, October 13th, 1884.

Commission resumed at 10 a.m.

### MR. CASWELL'S ARGUMENT.

Mr. CASWELL.—Your Lordships, this case is one of considerable importance to my client, and one that I have taken a special interest in from the moment he was arrested till the present moment, because I have always believed—as I still believe—that he is entirely innocent of any intention to do wrong. At the very most, he can be charged only with being indiscreet in his language. I have known him for twelve months prior to the time he was arrested; I have known him long before he came here to Parliament on the 23rd January last; I have met himself and his family, and I feel especially interested, and I know that he is connected with people of the very best families in the United States, and a member of the Board of Trade in his own town, and has been for months connected with the Navy before he entered the profession of the law, and so, feeling that he was all this, knowing that he was a man of good caste—a good class of citizen of the United States, —I feel especially solicitous on his behalf, that no charge of this kind should be preferred against him, and I am satisfied that no charge will be shown against him by the time that this matter goes through. True, we are in this awkward position, that two charges are against him—the charge in the Police Court—now referred of course to the Assizes, and pending before that Court—and also the proceedings here. We are in that awkward position, that if he would come forward in this box and make any statement or any admission that might be by some means made against him, at the same time any statement that he would make on his own behalf in evidence, that he could give in his own favour, he could not put it in on his own behalf; but any that he made there against him might be taken and twisted against him; so that if he, in this position, came here, as your Lordships are aware, some time in September, and offered that if the Crown chose to call him to give evidence, he did not feel, as the criminal proceeding was pending, that it would be wise for him to enter the witness box; and I think probably that the course he has taken is best, considering all matters. The question of course here is, whether he has been guilty of any of these three charges—practically three charges—that are laid against him. The first is offering to bribe a member of Parliament. I consider that there is no evidence against him, except, perhaps, the evidence of three persons, that is, the evidence of McKim, Balfour, and Dowling, and I think even in the case of Dowling that the evidence is uncertain, is only a talk, is only conversations that he has had and not that he made any offer to him. If you will look at the evidence of Mr. McKim, who is the first person who is said to have been bribed by him—if you will look at his evidence as I find it—of course I have not the opportunity of having the whole evidence, because it would be an immense expense to my client, and we have not done that. I may say before I do that, in this I do not intend to refer to the evidence of Colonel Gibson, because if your Lordships will remember it was only evidence of conversations that took place between them, and it was only Mr. Gibson giving his view from a member's standpoint, what disadvantage it would place a member in, if he received any bribes, and if you will remember the evidence, he says, as reported in the *Globe* newspaper:

"He then asked, whether if a member made a speech, say on a 'timber resolution,' even if he voted which ever way he thought best, and a counsel fee of one, two, three, or even five thousand dollars were given to him whether such a thing could be wrong, I said, 'Mr. Kirkland, to entertain any such idea would simply mean to kill one's reputation as a politician forever in this country.' He accepted that as a sufficient explanation of my views, and there was little or nothing said."

What I say in reference to this interview with Mr. Gibson is that he was simply telling him from a member's standpoint that it would be unwise, unsafe, it would kill the politician to receive any money, but he does not give him any hint that it was wrong so far as any other person was concerned to make such an offer, nor need I refer to the evidence of Mr. Cascaden, because, as you will find, even his statement is only about the conversation on the 17th March, and he does not refer to any offer having been made to him, putting it in the worst light. It is in these words:

"On the 17th March, the day of the exposure, he met in the hotel, Kirkland, who asked for an interview with witness. He said he understood witness was working in Algoma and was somewhat interested in Mr. Lyon's success, that if a certain line of policy was adopted by vote in the House, he was in a position to arrange for the withdrawal of the petition against Mr. Lyon. Witness said he was in a hurry and would probably see him later on. He never saw him later on. In his cross-examination he says:—'Kirkland spoke respecting Lyon, witness was somewhat surprised, as he had not previously spoken to Kirkland. Kirkland spoke as if Lyon was to manage the change in the land policy.'"

And the petition against him was to be withdrawn. "Kirkland spoke as if he had something to do with the withdrawal of the petition." So that taking his evidence, there is nothing there to show anything like an offer to bribe any person; it would refer simply to any knowledge he might possess, but not to any action on his part. Nor need I refer to Mr. Graham further than to remark that he seems to have imagined that there was some bargain intended, and no offer was made to him. He says:—

"On Wednesday, the 12th, I was in my room and Kirkland came and asked me if I had seen Lyon; I said I had; he said he had come to complete the bargain or make the arrangement or something like that." And then he says, that Lyon had not spoken to him about any bargain or arrangement. "Witness further stated that he met Kirkland in the lobby." I do not think, if he had thought it was a bribe, he would have acted in that way, shaking hands with him.

"Mr. Lyon had offered him no money; he was quite convinced that Kirkland had offered him a bribe, though he did not mention money." There is no language on Kirkland's side to imply anything of that kind, nor need I refer to the evidence of Mr. Awrey, because as explained at the time, it was only a joke, and I say as Mark Twain and other jokers have found out, it is even sometimes necessary to explain a joke; some persons can't see it; this was only a joke, and even if there had been, there was nothing in proposing a bet. The idea of saying to a man, "I will bet you ten thousand dollars you daren't vote against the Government." Any man would see it is just such a joke as prevails amongst Americans, a sort of loose talk, but not having any bad intention. At this interview with Mr. Awrey, on the 15th March, that is two days before the arrest, this seems to have been the first idea Mr. Kirkland had that a vote such as he was trying to secure, or a vote such as he was asking for, would be a vote of want of confidence in the Government. Mr. Awrey explains that to him, that if the vote were taken by going into a Committee of Supply, it would be a vote of want of confidence against the Government. Mr. Kirkland does not seem even after this to endeavour to secure votes against the Government, but he was trying to secure votes for this resolution, because he was going on the American system of legislation—a system which is so entirely different from the one in the State Legislature, which is the same as the Government at Washington, the Governor and his Cabinet are not in the Local Legislature at all, the members sit there and pass whatever laws they see fit and then the Governor has the power of vetoing those laws if he chooses: and then, unless they can override it by a majority, I think a two-third majority—his veto would prevail; any member can introduce any measure from any bill that he pleases. Kirkland seems to have been used to that system, and seems to have been surprised that any vote on the resolution such as he favoured would have any influence on the Government, whether for the Government, or against the Government. Down to the 15th he does not understand, he does not see how a member must vote against the Government or for the Government; he wants them simply to vote for this resolution or against this resolution, or if they could not do that to vote on the resolution on its merits. Mr. Kirkland came here after expending over $7,000 in surveys in that part of the country. I do not suppose that any man in our part of the country knows anything like as much about the country west of Port Arthur, as Mr. Kirkland does. He seems to have spent months, if not years of his time there. After spending that money he comes down here in the year 1883, to try to buy some land that the Government own in that locality. He knows that the land is not heavily timbered in some places, that the land is very slightly covered, in fact, it is what has been called a barren country, very little timber upon it, and he thinks it should be regulated in a different way from the regulation that prevails in heavily timbered country, such as we have in the northern part of Muskoka, or the northern part of Lake Huron. He buys 2,500 acres of land, puts in his surveys and gets his land paying one dollar an acre for it. That does not allow him to cut the timber. He then applies to the Commissioner for the purpose of buying the timber. The Commissioner refuses to sell him the timber on his own land. He then asks to be allowed to buy the timber at public competition, but it is refused. He knows that the largest price that has ever been given for a timber license is from $125 to $500 a square mile, and yet he offers to the Commissioner different sums up to $640 a square mile—$140 higher than the highest price that has ever been paid for a timber license—and yet he is not allowed to cut the timber on his own land. Finding that he cannot get it any other way, he conceives that the best way out of the difficulty is to have the mining act changed so that the timber can be sold at an increased price. He does not ask the timber and the soil shall be sold together at the original price of a dollar, but he asks the Government to fix a price, say two dollars an acre—at any rate an advanced price, whatever they see fit, and sell altogether, and he thinks that would be best for the country, best for the settlers in that locality, because by that means they would be able to own the soil and get some money and have more money to live upon until they find out what the mineral or agricultural value of the land is. In all these matters he is refused, and he speaks the matter over to several people. You will find that every person to whom he has spoken is in favour of this change in the mode of selling timber for that locality. Even a large petition comes down from Port Arthur—you will remember the Commissioner of Crown Lands promised to send it in, signed by a large number of ratepayers of Port Arthur, people in that part of the country, and they favour the very views Mr. Kirkland has been in favour of. He comes down and speaks to members, he opens his views, and the thing seems to be believed by members from that part of the country. Notwithstanding that, his view is opposed by one man—the Commissioner of Crown Lands—and because of that it cannot prevail. Then he comes down here on the 23rd January, and he tries to get an amendment to the law without any notice in the *Gazette* newspaper, without any fees being paid for the Government for printing of it, or anything of that kind. He seems to come here with a view of getting a bill introduced by a member. Here we find him, then, on the 23rd January. He goes among the members, and he finds that the members, as he speaks to them, seem to be in favour of his views, and some of them, Mr. Caldwell, a lumber dealer, and Mr. Awrey, who seems to be friendly to him, Mr. Gibson even, and I believe, too—though the Commissioner was not very positive in the matter—and I believe Mr. McCraney has understood and believes his views were right, and goes to the Commissioner of Crown Lands in his behalf. None of these views prevail. Among other people going to the Walker House to see Mr. Lyon, he sees Mr. McKim. It was an unfortunate day for him, the day he met Mr. McKim, because Mr McKim seems to have the character of James Carey, the Town Councillor of Dublin, and here he tries to catch this man, lead him on, although Kirkland was away above him, although Kirkland was a gentleman in every respect; he seems to be surprised that Kirkland would associate with him, and he seems to imagine that Kirkland was connected with Wilkinson trying to injure the Government, and Kirkland never met Wilkinson, and I do not think the evidence shows that he met him on any occasion prior to a few days before the 17th March; and then to think that steps should be taken—I do not want to charge the Government with doing any wrong in this matter, because I am not interested in that part of the case—but to think that this man should be led on by the man who was doing this work—McKim—that he should be led on, that he should be asked for money, because the evidence bears that out, that Kirkland does not offer any money to McKim, that it is McKim asks for $2,000 for his services, not for the vote he was to give for any timber resolution, but simply for his services, and the most that Kirkland does in the case of McKim is to accede to it, that is, not to produce the money, but to say, "I will put $1,000 on top of it." If Kirkland has done anything wrong it is in that one thing, to accede to that request, to say, "I will put on another thousand on top of it." If that is an offering within the meaning of sec. 45, R. S. O., chap. 12, sub-sec. 3, then I suppose he was guilty of that; but I do not think that any person looking at that statement and looking at the whole evidence together, can say that there is anything like an offering on Kirkland's part. Here was a man asking for money, and Kirkland says, "I will put another thousand on top of it." Kirkland of course says—but this evidence cannot be used here—that he always put "if" in these matters. "If it were right and proper," but you can see—and your Lordships will bear that in mind—that McKim's evidence and the evidence of the different parties, are not the exact language that Kirkland used, not the exact language they used themselves, but it is their inference, it is their construction of those actions—a construction put on actions prior. So that, as I say, if there is anything at all in the evidence of McKim it will be simply acceding to his request and saying, "I will put another thousand on top of it." So that I do not think your Lordships could find in the case of McKim that there has been any offering within the meaning of that section. Then the next we come to is Balfour. He seems to have met Balfour on the 11th March for the first time, and on that occasion Mr. Balfour himself says that there was nothing like an offer. He said:—

"On the 11th March, he had the first conversation of any importance with Mr. Kirkland. Mr. Kirkland invited him into a room in the Walker House, and began to talk about the Government timber regulations. He said he had been trying to make some changes in the policy of the Government as regarded these limits, but had failed to convince Mr. Pardee that the change was advisable. He now proposed that the matter should be brought up in the House, that some supporter of the Government should speak in the House in favor of his policy. The Government, the witness explained to the Court, had a definite policy on the Timber question. Roughly speaking, the difference between their policy and Mr. Kirkland's was this: the Government sold the right to cut the timber without giving any right to the soil. Kirkland's idea was that there should be an out-and-out sale of both timber and soil. Kirkland tried to show witness that his policy would be more advantageous to the Province, as it would induce lumbermen to look carefully after the land. He said that Lyon was going to have the matter brought up in the House, and that he (Kirkland) would supply witness with the material for making a speech. He said he had presented the case to Mr. Meredith, and that Mr. Meredith, and all the others to whom he had shewn it, were very favorable to his policy. At that or the subsequent interview, he said that the Opposition were going to move an amendment approving of his timber policy. He told witness that if he did not want to vote for it he could speak in favour of it, so as to influence the Government."

That was his whole object, to influence the Government, and he does not seem—as I shall refer your Lordships to the evidence of Mr. Lyon—to try to suppress anything from the Government. Then, later on he says, on this occasion there was no money offered to him, and he did not report; he did not believe there was any corruption intended at that time, and so he did not warn Mr. Pardee. The first time we find anything like an offer is on the 13th March. After Balfour had left Wilkinson's room, he went to his own room.

"When he left Wilkinson and went into his own room, Kirkland followed him. Witness thought he must have known that he (witness) was in Wilkinson's room, and must have been watching for him. Kirkland spoke again of his timber policy, and said that he would pay for the services he asked for; he had not the specie with him, but if witness would take a draft of $1,200 as a guarantee, he would give it to him. He produced a letter signed by R. G. Peters."

There was no further offer on the part of Kirkland. That offer of $1,200—from $1,000 to $1,200; $1,200 is the way it is put here—is the first and only offer so far as Kirkland and Balfour are concerned. Now, what I contend is, that an offer must be something produced; there ought to be money produced; there ought to be something of that nature produced. I do not say that that is the only meaning of the word offer; the word offer, of course, is more than that. I will refer to that later on; but I say here all he does is offer to pay this man $1,200 for making this speech. If there was any wrong in that, I suppose that is the wrong that he has committed, and, looking at the whole case through from beginning to end, I do not find any case or any occasion or any time that he made anything like as great an offer as that, and that is the only one that I seem to have any difficulty or trouble with.

The CHAIRMAN.—Did he expect the member to make the speech against the Government, and then vote with the Government?

Mr. CASWELL.—He says so. He says he does not care how he votes. Kirkland said it mattered nothing to him how the change of policy was obtained. In the cross-examination he says: "Kirkland had not offered to buy his vote against the Government, but simply wanted him to make a speech. Kirkland had not offered to buy his vote himself, but simply wanted him to make a speech, and, as it would take some time to look the matter up, he would pay witness $1,000 or $1,200. Kirkland did not seem to understand the system here, and did not see why at first the Government's views should be considered by individual members; he thought that a member might make a speech in favour of his policy, even if he did not vote for it."

That is Mr. Balfour's evidence, so that Mr. Kirkland does not seem to have tried to influence his vote. Looking at it now, of course, we might have a different view in the matter, but that seems to have been the view that he held. As I say that is the only case against us, I might say, too, in reference to Dr. Dowling, that there is really no evidence in Dr. Dowling's case of his having offered anything; he seems to have simply referred to a conversation that took place between Wilkinson and Kirkland and himself, in which Kirkland seems to have known of some things that were going on. There is no proposition of offer of money or anything in the nature of money. But there is one point there perhaps your Lordships will consider, and that is, at that very interview Wilkinson charges Kirkland with telling the Government—this in Balfour's presence.

The CHAIRMAN.—What date is this interview?

Mr. CASWELL.—I think the 15th. I might say, in answer to cross-examination, on that occasion Dr. Dowling says:—"Mr. Kirkland's object seems to have been to change the timber policy, and he does not appear to have made the witness any offer."

Commissoner SCOTT.—Look at page 204, "I think Wilkinson was accusing Kirkland of telling the Government, and then they left my room."

Mr. CASWELL.—I have not that copy of the evidence. Is there not a little more?

Commissioner SCOTT.—(Reads):—

Q. "Did they say on that occasion anything to you about your vote?

A. "I think they did.

Q. "But on that occasion did they make any offer? If so, will you state it as distinctly as you can?

A. "Nothing definite that day, but the same night Wilkinson himself came."

Mr. CASWELL.—Kirkland was not present. At the time Kirkland was present, there was a dispute going on between them. It was not a question of glory or anything of that kind, it was simply a question of whether he was telling the Government.

Commissioner SCOTT.—Of course there is a great deal more there. (Reading):—

Q. "It was in that way that Kirkland said it was in his interest that the Government should be defeated, because his views were different on the timber policy?

A. "Yes."

Mr. CASWELL.—Those are the only two that refer, because Dr. Dowling does not say anything; the only two are McKim and Balfour, and I think we have disposed of them for the present, at any rate the only one I have to refer to later is Mr. Balfour. Taking up the next point, is there sufficient evidence to show that Kirkland was connected with the others? Is there anything to show anything like conspiracy? I contend that there is not. The most that can be alleged against him is that he seemed to have known some of the things that were going on, and yet from the language that was used there, what Lyon stated, Lyon says that he was always in favour of the policy proposed by Kirkland, and he says:—"Kirkland was not endeavouring to conceal his intention from the Government; that he had no particular desire to overthrow the Government, but that wanted to get the timber." He seemed to have no intention of keeping the matter from the Government.

The CHAIRMAN.—At what period of the transaction was that?

Mr. CASWELL.—It is in my cros-examination of Mr. Lyon he says that.

The Chairman.—At what date was that?

Mr. Caswell.—He does not refer to date, he just puts it for the whole period.

The Chairman.—There seems to be rather a difference in Kirkland's conduct at the earlier period of the transaction and the subsequent one. In the earlier period he seems to have been fighting for his own end, wanting to change the timber policy, irrespective of what might be done by others. At the later period he seems to have been rather mixed up with them in some way.

Mr. Caswell.—The most that can be shown against him is that he knew something of what was going on, but not that he had any part in it, for even the language that Mr. Lyon uses on another occasion is, that Wilkinson, speaking about Kirkland, said that they had looked into the Yankee and there was nothing in him, and they intended to use him as a scapegoat—showing that there was nothing like a conspiracy, nothing like a plan that they were working together, that is, that they had no common object. While in some things they may have been working together, they may have been there together speaking to the same members, but I do not think the evidence shows that there was anything like a concerted plan of action, that there was a common object in view, or anything of that kind that could have made Kirkland's conduct wrong. And hear at that very time Mr. Meredith's evidence. He had been told that the Opposition would not support his resolution, would not support the change such as he wanted. Mr. Meredith says, that his resolution was not the same kind of resolution that Kirkland was after, and all then that Kirkland was anxious to do was to get any resolution on the timber question up, so that the matter could be discussed, because so satisfied was he that what he thought was right, that if the matter were discussed his views would ultimately prevail. Whether they prevailed this year or not, of course in one sense it was material to him, but it was not so material as it was that the matter would be discussed. Your Lordships will remember that Mr. Meredith had told him that he would not favour such view, as he (Kirkland) had entertained. In the evidence of Mr. McKim that comes out again; about their looking the Yankee up, and that there was nothing in him, and they intended to use him as a scapegoat. (Reading): "When Wilkinson returned . . . .

The Chairman.—At what date is that?

Mr. Caswell.—He doesn't give the date. I suppose that would be after his return from Ottawa. "When Wilkinson returned witness told him that the American was making better offers than he; Wilkinson had a subsequent interview; said they had seen the Yankee, there was nothing in him, they would make him their scapegoat."

The Chairman.—Does not that return mean, return from the Middlesex election?

Mr. Caswell.—No, My Lord, I understand it to be his return from Ottawa before making his second attack, which would be within eight or ten days from the 17th March. So that that language is brought in there, "that he had seen the Yankee, there was nothing in him, and they would make him their scapegoat." So that I do not consider there is anything like conspiracy, anything like a common object, between these people, and so on that department of the case I think the matter against Kirkland entirely fails. Then the evidence of McKim and Balfour in reference to the agreement is entirely uncorroborated; there is no one pretends, and I do not think any one has, that any of this money that was given, was the money of Kirkland. The evidence I think is brought out here, at least the leading evidence is to this effect, that the money seems to have come from this man Lynch, another American; it does not seem at any rate to be connected with Kirkland; the money seems to have come from that source, and not from Kirkland at all.

The Chairman.—From whom?

Mr. CASWELL.—Lynch, or Stimson. The evidence is to the effect that the money was produced, that Wilkinson said Lynch had gone away, and Lynch came back and Lynch was one of the persons I understand who paid over the money ; I think $800 was paid over by Lynch if I remember correctly, to Balfour.

Commissioner SCOTT.—No.

Mr. CASWELL.—I thought one was by Wilkinson and another by Lynch. There is no evidence at any rate, to show that Kirkland paid any of it or supplied any of it, and that is one point Your Lordships did not give me an opportunity to prove. I wanted to show by Mr. Irish as to what quantity of money he had here. Your Lordships thought I had closed my case, and did not give me that opportunity. There is one little point to show that you cannot place credence in Mr. McKim's statement, and that is this :—If you will remember he stated that on a certain evening, on the evening of the 7th February, he went to the *Mail* office to see Mr. Bunting. I am not going to refer to that more than just the date. Mr. Pardee and McKim and others say that as soon as the vote on the Address was taken the efforts on the supporters of the Government ceased. Now, if we look at Colonel Gillmor's evidence we will see that the vote was taken upon that, on the night of the 5th or the morning of the 6th, between one and two o'clock on the morning of the 6th February, so that that was after the effort ceased ; that ended the first siege. Mr. Pardee says it came to a vote on Tuesday night and their efforts then ceased. That vote, as I see Colonel Gillmor's evidence says, was on the morning of the 6th or the night of the 5th ; so that if their efforts ceased on the 6th I do not understand why there would be an interview on the 7th. Now your Lordships hold in this matter that this is only an inquiry, ascertaining the evidence that is to be got. I quote from your Lordship's statement as quoted in the *Mail* newspaper, that, "We are not here trying, we are only inquiring, ascertaining the evidence that is to be got." So that being so, we consider that our case is not closed, that is, that we can give evidence before the Local Legislature, that your Lordships will simply report your conduct, your proceedings under this Commission, and then that we will have an opportunity. And that is the course intended by the very Act of last Session, 47 Vic. Chap. 4, Sec. 46, sub-Sec. 3, which says :—

"The Legislative Assembly, upon the evidence taken under the Commission being submitted to it, may take under Section 45 of the Revised Statutes respecting the Legislative Assembly or under any other authority belonging to the Assembly, such action as the said Legislative Assembly deems proper, as fully as if such evidence had been given at the Bar of the Assembly."

So that the view I take of that matter is, that your Lordships will report the evidence and then the Parliament will proceed upon that evidence the same as though it were taken before the Bar of the House. And that seems to be the view taken by the Royal Commission in the Pacific Scandal case reported in the Journal of the House of Commons, 1873, appendix. First we have the Commission itself,—"And we do require you to communicate to us through our Secretary of State of Canada." That is a larger Commission than the one here.

The Commission is to report—

The CHAIRMAN.—To make that case quite analogous you would have to get a recommendation of the Government to us here not to report opinions.

Mr. CASWELL.—No, in this case they had a recommendation that they should report opinions.

The CHAIRMAN.—No, in that case Lord Dufferin advised them not to report opinions.

Commissioner SCOTT.—Read the report.

Mr. CASWELL (reads).—" In that communication your Excellency was pleased to express the opinion that the functions of the Commissioners were rather inquisitorial than judicial, and that the execution of them should not be such as in any way to prejudice whatever proceedings Parliament might desire to take when it is re-assembled in October."

But he says in paragraph 25:—" With respect to that portion of the Commission which leaves to the discretion of the Commissioners the expression of their opinions upon the evidence, they have determined not to avail themselves of the liberty so given."

The CHAIRMAN.—So it seems it was a discretionary matter with the Commissioners. If we chose to exercise our discretion in that way—I do not say we have determined so to do—but if we should choose to exercise our discretion to report our opinion on the evidence, we are entitled to do it. There is no binding authority in that.

Mr. CASWELL.—No; I only say this is the view that was taken on that occasion. They were asked to express their opinions, and they did not seem to be disposed to do so.

The CHAIRMAN.—That was a very peculiar case—very different from this case.

Mr. CASWELL.—The great point I see in it here was that parliament had not power to examine witnesses on oath, and these Commissioners were appointed so that that power would be given.

The CHAIRMAN.—It was peculiar in other circumstances. It does not form an analogy for us here at all.

Mr. CASWELL.—That was the great point that seemed to be referred to in the Commission, that they were not to have power to examine witnesses on oath. Parliament had no power at that time to examine witnesses on oath, and, therefore, it was referred to these Commissioners, and they were requested to give their opinion on it, and they declined to do so, considering their work rather inquisitorial than judicial. Dr. McMichael said, if conspiracy is not a crime, and your Lordship makes the remark, " We are not trying that."

The CHAIRMAN.—Of course we are not trying it in the sense that we have no power to inflict punishment. We have only to take evidence, and it may be to report our opinions upon it. It is another court that has power to deal with that matter.

Mr. CASWELL.—Those parties who are interested in the inquiry, I suppose, have the right to express those views before the Commission.

The CHAIRMAN.—Yes, but there is no use repeating that over and over again. We have had that repeated to us twenty times during the Commission.

Mr. CASWELL.—Then we consider that if this is a trial of the matter, it is introducing a new mode of trying cases, that is, I mean to say, if your Lordships have to express an opinion upon this, that parliament should do it in any case, and the Local Parliament have no power, as shown by the Confederation Act, over criminal proceedings, that is, they have no power to pass legislation on that subject, and yet if your Lordships have power to try these people, that is, to try whether they are guilty or not guilty, that is what we contend; I don't want to press this too strong, at the same time I consider it is my duty to lay my views before your Lordships. If your Lordships say guilty or not guilty of these charges, the result is we go down to Parliament with that finding, and that will prejudice our case before that body—that can hear evidence and can hear more evidence. They are not excluded from hearing more evidence from the fact of evidence having been taken here. And then, as I contend, that if the Local Parliament——

The CHAIRMAN.—I think the Local Parliament would very likely ask you a very good reason for not producing your evidence here.

Mr. CASWELL.—I consider I have given a sufficient reason at the beginning, and that is, that the criminal proceeding is pending over us.

The CHAIRMAN.—That can surely be no reason, when it is in the face of an Act of Parliament which expressly provides for the two actions going on.

Mr. CASWELL.—The Act of Parliament may be very wrong.

The CHAIRMAN.—We must assume that the Act of Parliament is right. The Act has not been vetoed yet, and we suppose it is in force.

Mr. CASWELL.—I have no doubt it is in force. At the same time we are not bound to submit our evidence here, when we have the power of submitting it to Parliament. What I mean to say is this: if the Local Parliament can appoint Commissioners for that Conspiracy Case, then they can do it in every other criminal case that may be tried in this country. They can appoint a commission to hear evidence and help the magistrate.

The CHAIRMAN.—I do not know any authority for that proposition at all. The Local Parliament does not assume any such power; it is expressly confined to cases of bribery of members of Parliament, and some of those crimes mentioned in that section.

Mr. CASWELL.—What I contend is, if they have power to do that, they have power to do it in other cases.

The CHAIRMAN.—It is time enough to argue on that point when it is attempted to be done; it has not been attempted yet.

Mr. CASWELL.—I contend, in looking at this section 45, that it is no offence against this Act for a person other than a member of Parliament to offer money to a member; that this section 45 is confined to members of Parliament, R. S. O., cap. 12, sec. 45, sub-sec. 3:—

"The offering to, or the acceptance of, a bribe by any member of said assembly, to influence him in his proceedings as such, or the offering to, or acceptance of, any fee, compensation or reward by any such member, for or in respect of the drafting, advising upon, revising, promoting or passing any bill, resolution, matter, or thing submitted to, or intended to be submitted to, the said assembly or any committee thereof." The Act passed in 1868-9, chap. 3, 32 Vic., enacts:—

"The Legislative Assembly, and the members thereof, respectively, shall hold, enjoy, and exercise such and the like privileges, immunities and powers as are held, enjoyed, and exercised by the Commons House of Parliament of the Dominion of Canada, and by the members thereof."

That Act was disallowed, because they had not that general power to take to themselves all the rights, privileges and immunities of the Commons House of Parliament of Canada. Then we find in 1875 the Act which is just the same as the Revised Statutes, sec. 11 of that Act 39, sub-sec. 3:—"The offering to, or acceptance of, a bribe," etc. What I contend is, that the wording of that statute is confined to members of Parliament. On the first reading of that Act I know one would think otherwise, and I have submitted it to several people, and they immediately say that it is an offence to offer a member of Parliament any money; but when they look into the construction of that statute, nearly all I have spoken to agree upon that, that this is the offering by a member of Parliament; that "by a member" is a clause by itself and must be read together. The two ideas connected with the word "or" are, the offering to or the acceptance of, and you must put those words together. "The offering to," and some persons say, if it is made punishable by the individual having done this, the words must be put in, "the offering by a person—by any person," and I say we have no right to put in those words. If any crime has been committed, it has been committed by my client by offering. Of course there is no acceptance on his part, so this sentence ought to be complete by leaving out the acceptance part; so that I contend that that clause means that the offering to a member, by any member, of a bribe, is an offence under that Act, and that the Act is confined to that. Of course your Lordships will take the opportunity of looking at that. I need not press that matter home on your Lordships. To show, however, that the House of Parliament at Ottawa, and in England too, were very particular in this respect, I will refer you to "Bourinot's Parliamentary Procedure and Practice," page 196:—

"It is one of the standing orders of the House of Commons of Canada, as well as of England, that an offer of any money or any advantage to any member of this House for the promoting of any matter whatsoever, depending or to be transacted in Parliament, is a high crime and misdemeanor, and tends to the subversion of the Constitution."

They put it very clear and distinct there, and I say that this language is not clear and distinct, and does not make it punishable by any person. I will refer to that same book, pages 205-9, on the Privileges of Members. I will not take up the time now in reading it, showing the powers and privileges of the Local Legislature. Now, then, on the charge of bribery. I think that there is no crime of bribery; there is no evidence of bribery made out against my client. Bribery is laid down in Horn's Law Lexicon as the taking by, or giving to, a person in a judicial or public office of any fee, gift, reward or brokerage to influence his behaviour in the office, or the giving or taking a reward for appointing another to a public position. I think there is clearly no case against my client of bribery, of giving a reward to any person. So that I do not think I need take up your time with that part. Then, I contend that no court trying a person for contempt has any power to delegate that to any other court to try; that is, that if a contempt has been committed, this Act we have been referring to makes a contempt of court to offer a person a bribe even if the language is taken to mean that, offering to bribe. Suppose this is an offence against the Queen's Bench, the Queen's Bench could not refer it to the Common Pleas to try that case. They will have to try it in their own court if any offence has been committed against them. Then there is another point, that is, under this last section, whether Parliament next session can punish for an offence committed in the last; but I do not suppose that is very material, because that will come up if there is any attempt made to punish us. If he did commit a crime it can only be punished by section 12. Now then, having gone over the case and considered this evidence, I come to this conclusion, that your Lordships ought to find in Kirkland's favour. At the most he is to be pitied; I think your Lordships cannot help but find that he has not attempted to bribe McKim, that he has not attempted—or if there is anything, the worst is his attempt to bribe Mr. Balfour, and that is such an uncertain case, and it is one—oh yes, there is one part, perhaps your Lordships would pardon me for going back to that. At the time that Balfour and Kirkland have this interview, immediately after that he seems to have gone to Colonel Gibson. If you will remember the evidence, Colonel Gibson is asked whether it is allowable to pay a member for making a speech, and Colonel Gibson says that that conversation took place one or two or three days before the exposure—that is before the 17th March. Now Balfour's interview was on the 13th March, and therefore I assume—and I think your Lordships will agree with me—that that conversation with Colonel Gibson was made after the interview with Balfour; that Kirkland, if he had done this wrong, if he had done anything wrong, after he had made this offer to Balfour, he goes immediately to Colonel Gibson, whom he knows to be a lawyer, and Colonel Gibson gives him his opinion on the matter, even from a member's standpoint, and from that time Kirkland does not do anything wrong—he does not make any offer or any proposal to any person; so that I think on the whole that even in reference to Balfour it ought to be found in his favour. And now, I have of course to leave this case in your hands. My client has kept this matter free from politics at anyrate. Some perhaps sharp matters have come out, but it has not been on his part; he has not tried to mix himself up with the political disputes of the day. He seems to have come here and got mixed up with the politicians, and I think he and his countrymen cannot have a very high opinion of Canadian politicians if they are to judge by some specimens they have met with on this matter. He came here on a pure business transaction, and yet in a short time we find him here lodged in gaol, while others charged with the same crime are allowed to go free. His letters and papers are published to the world. while he is lying in gaol, and others charged with the same crime have not their letters or papers taken from them. He is a foreigner and yet he is treated in what I am not afraid to say, is a scandalous manner; he is treated in this manner, being a foreigner; and I hope and trust that no Canadian will ever be treated in the same way by an American, when he goes to their country. He seems to have been a man referred to as a scape goat—and he seems to have been that; kicked and abused when it suited them, and put to all this expense and inconvenience to himself and family, having come here to do a perfectly legitimate business transaction. That British justice and fair play which should be accorded to every man has not been extended to him in the way he has been treated, with criminal proceedings and other proceedings against him; and I hope when the historians come to write the history of our times they will not in any manner refer to the way Mr. Kirkland has been treated in this matter.

Mr. Blake.—I should not have thought it necessary to address the Commission as to the initiation of these proceedings were it not, to my mind, the rather extraordinary position taken by my learned friend, Mr. Caswell, and also by Dr. McMichael Both have presented it as if it were a matter—my learned friend, Dr. McMichael, on Saturday—a matter of a conspiracy, a matter of bribery, and a matter to insult the honour of the House. I do not understand that that is the mode in which it is at all presented to the Commission, and I propose to go shortly over the proceedings in order to place this in the way that I submit it should be before the Commissioners. I do not understand that the Commission is to investigate the question as to whether this is a crime, or what is the nature of this crime, or any matter of that sort, but simply. there being a reference here, to ascertain whether certain things were done or not, to report either in the affirmative or the negative, and with that to send a copy of the evidence upon which that finding is based. Now, that seems very clear, and I will put in this book, which contains these preliminary proceedings, merely for the convenience of paging. At page 9 the Commissioners will find how the proceedings originated.

Commissioner Senkler.—Page of what?

Mr. Blake.—Page 9 of his book, which I will put in her, simply because I have put together all these proceedings, and simply as a matter of convenience, in which, as taken from the Journal of the House, we find this statement made by the Attorney-General:—

"I now rise to call the attention of the House to a very important matter of privilege. and in calling the attention of the House to it, I have to make the most startling statement ever made in it, and, perhaps, the most startling statement ever made in any Assembly in the Dominion, and such a statement that I never thought it would be my lot to make. We have discovered a deliberate conspiracy on the part of certain persons, not members of this House, to corrupt members sitting in this House. Before I go further, Mr. Speaker, I will ask you to open certain letters which I am told have been placed in your hands."

On page 9, therefore, we have a statement made by the Attorney-General that there was a deliberate conspiracy, and he rises for the purpose of asking the House to help him to get at the bottom of that. Then we find a resolution passed unanimously, from pages 11 to 14, by the House, which recites:—

"That the first named three persons"—that is, Christopher W. Bunting, John A. Wilkinson, and Edward Meek—"are well known and active members of the party in this Province opposed to this Government." It is not necessary to show any evidence to the Commissioners on that point, it goes without any asking, "That the said five persons have at divers times during the present session of this Legislature approached several members of this House with moneys, offers of money, promises of offices in the gift of the Dominion Government, and promises of other personal advantages to such members.

"That divers members of this House so approached, being indignant at the criminal conduct proposed to them, have deemed it to be the fitting course on their part and a duty to their constituents and the public, acting herein with the advice and approval of members of the Government, to seem for a time to entertain such approaches in order to the detection, exposure, and punishment of the persons guilty of making such corrupt attempts."

And I will just in passing say, that although this matter was then fully before the House, as the Commissioners will observe, the House did not then take the absurd view that has since been taken—for it is simply an endeavour to protect these persons—the view that it is wrong to listen to these approaches, the view that these persons had erred in their conduct, which was asserted before the House, and which is made a portion of the basis of this resolution. There is no reference to this Commission by the Legislature to ascertain that. Absurdity had not run mad at that era in the investigation, and therefore that was not a matter that was submitted to it. It was simply where it was thought necessary to adopt some scheme for the purpose of protecting, that there was thrown into the enquiry before the Commission that which has been asked by the leader of the Opposition to be placed before it. But here I call the attention of the Commission to the fact that at page 12 we find this disclosed to the House, and not a single word of comment adverse to these persons for such action. Then the offers are set out, of these gentlemen, and other corrupt offers made by the persons that the House themselves designate as conspirators. So that being the position, it was resolved that these charges should be forthwith remitted to the committee for the purpose of inquiry. That was not convenient, as the Commission will find, and at page 17 the committee reported. They present this report at page 18, in which there is found :—

"The committee therefore recommended that such steps be taken as will secure, through a commission composed of Judges, a full and searching investigation into all the matters and charges directed by the House to be inquired into and reported upon by the committee, and that the committee be discharged from any present further action of proceeding in the premises."

Now, it was unanimously resolved by the House that there should be a commission issued, and reciting the offers of money, promises of offices, and other personal advantages. These are specifically mentioned in it. It is recited that an address was presented asking for the investigation of these matters, and to inquire and investigate all matters and things which in the judgment of the commissioners relate thereto and affect the same, and it then empowers the commissioners to inquire into and investigate the charges of bribery and conspiracy, or any attempts to corrupt the members of the said Assembly, and all matters and things which in your judgment relate thereto or affect the same; and it requires the commissioners forthwith, after the conclusion of such inquiry to make full report to our said Lieutenant-Governor touching the investigation. So that it requires the commissioners to make a full report, and then adds, "Together with the return of the evidence." The two matters are required of the commissioners—first, to make the full report, and secondly, to report the evidence so that that may be dealt with or modified or corrected, or anything that the House chooses in its wisdom to do may be done with it; but the two things are required—to make the full report to the Lieutenant-Governor touching the said investigation, together with the return of all evidence. In the commission that has been referred to, as to which I need only say there is no analogy between the two as to the commission, the matter investigated, or anything else, and corrected, as it was said, at the determination of the person that virtually issued it, corrected or modified with the statement that under the circumstances he thought that it was better that there should be no opinion upon it, but there the demand is made of the commissioners, and the demand is made by the whole House, by the whole of this body, and virtually, so far as the commissioners are concerned, they have handed over, for reasons that were very apparent—that amidst all the noise and the turmoil of politics there might emanate from this commission, entirely untouched by that finding upon this question which would be respected by both parties and the public at large, a finding which they desire to have, in order that so far as this House is concerned the trust that is in its hands to keep it pure shall to the very best of its ability be attended to and preserved by it. And therefore they say, we ask you not simply to sit as stenographers to take evidence, not simply to do the work of shorthand reporters to take evidence in the matter, but to give us that conclusive finding upon these questions which, from the commissioners that make it, will bear the respect generally of both sides of the House, and also of those to whom we are answerable or amenable, and that is the public at large. And therefore I submit that the commissioners, when they accepted of the office that was cast upon them by the commission, accepted of that as a duty; and that it will be a failure, I submit humbly to the commissioners—a failure on their part to fulfil the duty entrusted to them unless there be, as the commission says, a full return made of the matter, together with the evidence upon which it was based. Thus we get from an independent source a conclusion as to the facts of the case, and thus we get also the evidence, so that it may be a commission the return to which will be confronted with the facts, and if any wrong be done it can be by the House, or by the public opinion, corrected if it pleases. Then we find thus, that the commission has had presented to it in those terms the duty required of it by the House, and we find that the only charges that have been formulated in addition to those that are found in the commission were the charges that were considered by the commissioners the other day, and which stand also for the return by them to the Lieutenant-Governor. Now, just before dealing with this matter I ask the consideration of the commissioners to the notices that have been given of the holding of the commission, so as to show that it is a commission held with every opportunity for being present and answering. I put in an affidavit showing the first notice and its publication. So that we have the notice given on the 6th of June of this Commission having issued, and from the 6th of June up to the 14th of July the notice has been published before any step was actually taken. A six weeks' notice therefore virtually given to all the world of the fact of the issue of the Commission. Then on the 5th June, from the affidavits that are in before the Commission, you will find that a notice was sent to Cobourg for service on Wilkinson, and on the 6th was served on Mr. Murphy, who was his counsel in the criminal case. Then on the 16th June a subpœna was sent for service on Wilkinson, and also notice to the sheriff of Northumberland and Durham. Then on the 20th June notice was sent to Archibald, Howell, Huff and Campbell, the agents, to have served on Wilkinson in Winnipeg. On the 14th July the Commission met. On the 17th July Wilkinson was served in Winnipeg with the notice of the 14th—of course the notice for the 14th was a continuous notice, that it was to sit from day to day until the matter was closed. Then on the 22nd July a second notice was sent to Winnipeg to the agents to serve upon Wilkinson. On the 20th July the notice and subpœna were sent to Cobourg, also the subpœnas to Prince Arthur's Landing and Niagara Falls. So that I submit from the fact of the person being at all events a portion of the time at Winnipeg, within the Dominion, that the notice was actually served on the 17th July, that this notice was inserted in the newspapers—most widely circulated on the 6th June, and that the Commission did not sit until the 14th July, that the notice must certainly come to him, and he must have been aware of the meetings in July, and of course the Commission had noticed of the meetings in September and the meetings in October; and therefore the notice by publication, the notice by actual service, and therefore the complete knowledge of the fact that the Commission was sitting, and that he was one of those that was called upon to answer the inquiry that was being made. Then as to the Commissioners' sittings. We have on the 5th June the first meeting for the purpose of appointing a day. On the 6th June notice of the first sitting of the Commission on the 14th June. Then the public meeting on the 14th June, the first public sitting of the Commission, when the announcements were made, which were also made public, the 17th and 18th June the notices of the regular sittings, and then from the 14th to the 18th July the sittings of the Commission from the 1st to the 3rd September; and then from the 22nd on until this day in October the further sittings. I just put in this as a memo. to guide the Commissioners. Then the only clauses, or the only acts that are material, I submit, are R. S. O., cap. 17, the Act respecting inquiries concerning public matters:—

"Whenever the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good Government of this Province, or the conduct of any public business thereof, or the administration of justice therein, and such inquiry is not regulated by any special law, the Lieutenant-Governor may, by the Commission in the case, confer upon the Commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any party or witnesses, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation if they be parties entitled to affirm in civil matters), and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine."

It might have been thought that this first section would be quite sufficient to have covered this, but it proceeds then to say:—

"The Commissioner or Commissioners shall then have the same power to enforce the attendance of such witnesses and compel them to give evidence, as is vested in any court of law in civil cases."

Lest there should be any question as to whether that was wide enough, the House passed, it may be with this matter in its mind, 47 Vic. cap 4, sec. 46, and I presume it is under that that this Commission is proceeding, and that the true reading of that shows that there is no necessity to enter into the question as to whether this is a criminal offence, whether it be of the particular nature stated by my learned friend, Dr. McMichael, or Mr. Caswell, or not, for it says:—

"The said Act—'the Act respecting inquiries concerning public matters, which is the one that I have referred the Commissioners to,' shall be deemed to apply to any attempts or alleged attempts to corrupt the successful candidate at such elections, or members of the Legislative Assembly after their election, whether such attempts were made before or subsequently to the passing of this Act, and notwithstanding that the persons charged with such attempts may be liable to criminal prosecution in respect thereof, and notwithstanding that criminal proceedings against them may have been commenced or concluded. The Commission may be issued authorizing an inquiry into any such attempts as the aforesaid, and such Commission need not minutely specify the particular matter of inquiry."

So that all this that has been presented, whether it is reasonable or whether it is unreasonable, is taken entirely from the purview of the Commission, because the Legislature says that shall be done, and based upon that enactment the Commissioners have undertaken this task, and it is simply to find whether attempts were made, before or subsequent to the passing of the Act, to corrupt a successful candidate, or not—whether these attempts were made or not. That is the style of the matter that is before the Commissioners. Just in passing I may say, lest it should be considered for a moment that I adopt my learned friend Mr. Caswell's reading of it, that this clause, sub-sec. 3, of Sec. 45, has no such limited reading as he would urge before the Commission. What was sought to do there was not more to protect the members of this Assembly *inter se*, than to protect them against what might be outside. Look at sub-sec. 10:—

"The bringing of any civil action or prosecution against, or the causing or affecting of any arrest, or imprisonment, of any member of said Assembly in any civil proceedings for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before said Assembly," etc.

All through it was the protecting of the members, not against themselves so much as against outside influence, and I submit that the fair reading of that sub-sec. 3, is the offering to any member—not qualified by the person by whom the offer may be made—but the offering to, and then, less there should be such a thing as a dishonest member, there is also said, "the offering by any member," but the reading is reasonably clear, the intention of the Act, taking the whole of the clause is perfectly clear, and therefore I submit there is nothing whatever to limit the reading of it to an offer by a member to a member, but it is the offer by any person of a bribe to any member of Parliament, and also the alternative of the offer by any member of a bribe. Now then, to refer shortly to the evidence, I submit that we have here before the court that which was touched upon also in the papers that I have been referring to. The witnesses here show the position of the party and I just ask the Commission to consider that, because it is clear in these cases—whether this be a conspiracy or whether this be an arrangement, or whatever term you may give it—that one of the means of ascertaining whether the parties are guilty or not is by taking a glance at all the surrounding circumstances; see whether there was any motive to stir the people up to this action, see whether there was to be by them anything gained, and taking all the circumstances that surround, for the reason that is given in every work that treats upon it,—that it is not one in a thousand times that you are able, by so many words, to show that persons put their heads together for the purpose of carrying out some object, that this is to be gained by circumstances, and that as a general rule one person takes one part and another person takes another part, and that there is merely the collecting together of these straws in order to prove that there has been a pre-concert, there has been an arrangement. or there has been what may be called a conspiracy between the parties. Now, in the work to which I referred—Mr. Wright's book on the Law of Conspiracy—at pages 68 and 69 we find him laying down, I think as accurately as the Commissioners will find anywhere, the few rules upon this subject:—

"Every crime consists of a state of intentionality—some form of intention or of carelessness—and an overt act or an omission to perform a duty. The kinds of intention, the combination for which may be criminal, have now been discussed, and it remains to consider what overt act will suffice."

He says, page 69:

"Little is to be found in the books with respect to what conduct will amount to an act of crime for the purposes of the law of conspiracy. It is clear that, generally speaking, there need not be any actual meeting or consultation, and that the agreement is to be inferred from acts furnishing a presumption of a common design. In Copp's case (1719) it was ruled that an agreement between members of a card-maker's family to procure a rival apprentice to spoil his master's cards might be inferred from proof that each had separately given money to the apprentice in order to bribe him to spoil the cards; but stress seems to have been laid on the fact of the defendants 'being of one family and concerned of the making of cards.' In Parson's case (1763) it was held that 'there was no occasion to prove the actual fact of conspiring, but that it might be collected from collateral circumstances.' In Leigh's case (1775) it was ruled that the agreement to hiss an actor in (or rather, perhaps to raise a riot in) the theatre might be inferred from the acts done at one time and place, and that it was not necessary that the defendants should have come together for that purpose or have previously consulted together. So in a case of Prison-breech (1793) it was ruled that concurrence in doing the act sufficed without previous acquaintance So, in Brisac's case (1803) it was held that 'conspiracy is a matter of inference, deduced from certain criminal acts of the persons accused, done in pursuance of an apparent criminal purpose in common between them.'"

And at page 70:

"There can be no doubt but that a person may involve himself in the guilt of a conspiracy by his mere assent to and an encouragement of the design, although nothing may have been assigned or intended to be executed by him personally."

And he says, page 71 :

"So, with respect to evidence, there is no ground to suppose that, unless in cases of treason, there are any special principles of evidence applicable to conspiracy, though the application of these principles may be affected by the fact that in ordinary crimes the participation in an act has to be proved, whereas in conspiracy the question is of a participation in a design."

Then again, in Mr. Russell's work (Russell on Crimes, vol. 3, pp. 144 and 149, last edition, 1877), it says :

"It is for the court to judge whether such connection has been sufficiently established, but when that has been done, the doctrine applies that each party is an agent for the other, and that an act done by one in furtherance of the unlawful design is in law the act of all, and that a declaration made by one of the parties, at the time of doing such an act, is evidence against the others."

Now, that was as laid down by my learned friend, Mr. McCarthy, when he was arguing the other branch of the case—that when you see the design, then each one is the agent of the other, and the act of each is the act of all.

"It seems that if such papers had not been proved to have been intimately and immediately connected with the object of this conspiracy, a paper containing seditious answers and questions, and found in the possession of a co-conspirator, was not read in evidence, the court doubting whether it was sufficiently connected by evidence with the object of a conspiracy to render it admissible."

Then I only just trouble the Commission with one other passage. I gave it before, but it is simply in regard to the weight to be attached to the evidence of these gentlemen. It is in "Ram, on Facts," page 173, when Lord Chief Justice Eyre says:

"It has been a fatiguing work to go through these broken accounts of, etc., (see *ante*, page x. 7). On the trial of Colonel Despard for high treason in 1803, during the trial a witness, Windsor, had been considered both by the Crown and the prisoner as an accomplice with Despard. What Windsor had done was this,—he, on invitation by one of the conspirators, joined in the plot and immediately communicated the object of it to a person by the name of Bownes, from whom he received advice as to his further conduct; and on that advice he attended several meetings *of* the conspirators, and ultimately offered himself as a witness against them and disclosed to certain magistrates the whole extent of the treason. Lord Ellenborough, in his summing up to the jury, distinguished Windsor from an accomplice; and the character his Lordship attributed to him answers the description of a spy; and he thus cautions the jury about their reception of the evidence of a witness of this nature :—'There is a class of persons which cannot probably be considered as coming within the description or as partaking of the criminal contamination of accomplices; I mean persons entering into communication with the conspirators, with the original purpose of discovering their secret designs, and disclosing them for the benefit of the public.'"

And it is said these persons are not accomplices, they do not need to have their evidence corroborated, and in fact it is said so in the other passage that I gave to the Commission—the distinction drawn by Mr. Justice Maule in Reginæ *vs.* Mullins, three Cox, page 531 :—

"The accomplice confesses himself a criminal and may have a motive for gaining information, as it may purchase immunity for his offence. The spy on the other hand, may be an honest man, he may think that the course he pursues is absolutely essential for the protection of his own interests and those of society; and if he does so, if he believes that there is no other method of counteracting the dangerous designs of wicked men, I can see no impropriety in his taking upon himself the character of an informer. The Government are no doubt justified in employing spies; and I do not see that a person so employed deserves to be blamed, for he instigates offences no further than by pretending to concur with the perpetrators. Under such circumstances they are entirely distinguished in fact and in principle from accomplices, and although their evidence is entirely for the jury to judge of, I am bound to say that they are not such persons as it is the practice to say require corroboration."

Then, I say, we get clearly and distinctly the positions of these persons; that they were strong political partizans, that they were persons that had been more or less engaged in these elections and in endeavouring by unjustifiable means to prevent the return of those members that opposed the then Administration, and so looking at these men, you have just exactly the class of persons who would continue their dishonest dealings, and having failed by the one means of accomplishing it, would strive in the other form to carry out their designs. That, I say, is a matter of very considerable moment when the Commissioners are considering the probabilities of persons being guilty of conspiracy to put their heads together for the purpose of accomplishing such a matter. We find that the contest was close. We find that there were from thirty-seven to forty seats contested; having failed to get the majority, that there was the determination by means of overpowering, as it were—lodging so many petitions against the sitting members—to endeavour by that means to carry it. We find Wilkinson more particularly, one who was engaged very actively in such places as Algoma, Muskoka, West Middlesex, and the like, brought judicially before the court by the election trials that have there taken place. We find also that they state that there were reasons for this, that these were persons that were more or less acting in the interest of the Government in Ottawa. I am not, for one single moment, saying whether or not there has been any linking between the Government at Ottawa and these persons; the Commissioners will distinctly understand that I am making no allegation on that point, but it is clear that these persons were interested in that way and stated that there was so much of friction because of the reasons that were assigned by them—the Boundary Award, the Streams Bill, the License question—that they thought that if they could get over a few men in the Local Legislature, then there would not be the opposition, and that there would be a very great assistance thus given to the Government at Ottawa. So that we get that, I submit, as a very principal and important item, and one conclusively found against these men—not only the possibilities but the probabilities—the use of these means, the continued use of these means, and the object to be gained by it. The Commission will remember that the House sat on the 23rd of January, and that the vote was taken early on the morning of the 6th of February. It is necessary to have those dates, because I think there can be no question whatever that there were the two attempts made upon the House—one at the earlier period and the other at the later stage. Now, the question before the Commissioners is, were these five men guilty of approaching members of the House for the purpose of bribing them, or not? And I submit to the Commissioners that upon that one plain, distinct, question, there cannot be a shadow of a doubt, that there were the distinct approaches, that there were the distinct offers, and that all through there was the *mala mens*—the intention to buy over for the purpose of overturning the Government. It is perfectly true, I admit, that I do not believe that so far as one of these men is concerned—Mr. Kirkland—he came into that until the second distinct attempt was being made; but that he did come in is as clear as that the others were engaged in it, and that he had that intention is equally clear, and that although he at one time did think that he might be able by other means to carry out his ends, he abandoned that intention, he gave up that idea, and he joined his forces with the others, endeavouring then by the same corrupt means that they were using to accomplish this object. As to that I will undertake to convince the Commission in going over the evidence. Now, just to endeavour to turn a little bit the flank in this attack, it has been said that these gentlemen, Messrs. McKim and Cascaden approached these persons and asked that they should be bought; and my learned friend, Dr. McMichael, got almost eloquent—as nearly as he could—in describing the ascending of the flights of steps of the *Mail* office to those two birds in their nest there—all of innocence—the temple of probity which they seemed to have between them—Messrs. Bunting and Meek, the sweet innocents, approached by these desperate robbers for the purpose of tempting them to bribe them. Now I shall seek just by the evidence of one man to divest the minds of the Commissioners of any such absurd idea, if it has been allowed to enter the mind, because I propose to show that instead of this being an attack made, in which Messrs. McKim and Cascaden and Dowling alone had to do, I desire, from the evidence of one man, to convince the Commission of the *modus operandi* of these conspirators, which was the attacking any person that they thought there was the slightest probability or possibility for influencing, and the conversation that took place between Mr. Bunting and Dr. McMahon, exhibits, I think, as clearly as anything to the Commissioners what they had in view, that they were attempting this all around, that they were seeking to get in A and get in B, and get in C, and endeavouring if they could to get Y to operate on D, and Z to operate on E, and so on. We find the evidence of one person, against whom they can say nothing, Dr. McMahon, and he gives this as the mode of approach that was adopted by these conspirators. Now, what does he say? He says, Mr. Bunting—you will remember, as Mr. Hardy depicted him, he appeared to be the eighty-ninth member of the House, he appeared to be so much there, and so much interested in it—while he was doing eighty-ninth member of course he conveniently met—entirely by chance—Mr. McMahon, and we have this account given at page K 5 of the evidence:—

Q. "What was the subject of conversation between you?

A. "Mr. Bunting was speaking in regard to the Government, and he thought it was a pity that the Government should be carried on with so much party and that there was so much partyism displayed, and that it would be better that there should be a Coalition Government, and I differed with him:—why, his lips did drop manna—that was about all—just such a conversation as would take place between two men talking about politics holding different opinions; he thought one way and I thought another.

Q. "Did he suggest any possibilities or probabilities as to the formation of the Coalition?

A. "He did not at that time.

Q. "He did at the second conversation, perhaps?

A. "I think that there was something spoken about it at that time—the second conversation. Perhaps it would be as well for me to say how I met Mr. Bunting the second time. I was coming out of the Rossin House, going down to the House to a Committee meeting.

Q. "I was going to ask you that in a moment; was there anything said about the possibilities or probabilities of defeating the Mowat Government on the first occasion?

A. "No sir, I think not.

Q. "It was simply the benefits of a Coalition Government that was discussed between you?

A. "Yes.

Q. "Then had you any interviews with Mr. Bunting between this one that you have spoken of and what you call the second?

A. "No.

Q. "No communication through any person else?

A. "No, sir.

Q. "Any discussion with any person?

A. "No, sir.

Q. "On the second occasion you happened to be coming out of the Rossin House?

A. "Yes, where I board during the session; I was coming out of the Rossin House, going down to a Committee of the House: it was to meet at eleven o'clock, and I think that was about half-past nine; Mr. Bunting met me as I was coming out of the House and said 'good morning,' and asked me where I was going; I said down to a committee meeting; he said, why it is early, let us take a walk; we walked down on to Wellington street, and along Wellington to Bay and up to the *Mail* building together.

Q. "Did you enter the *Mail* building?

A. "Yes, I was into his office in the *Mail* building.

Q. "State as accurately as you can what took place on that occasion?

A. "Well, we talked generally about the Government, and he talked in regard to the probability of Mr. Mowat being defeated; I disagreed with him; that was about all he said; he thought there were certain members of the Legislature that were likely to vote against the Government, and I said I thought they would not; I said that I did not think there was any chance of the Mowat Government being defeated.

Q. "Were the names mentioned?

A. "Well, I think there were some names, yes, sir.

Q. "Who were these names?

A. "He said he was quite satisfied Mr. McKim would vote against the Government; he said he was sure Mr. Balfour would vote against the Government.

Q. "Any one else?

A. "Well, he was not certain about some others; I think Mr. Hart's name was mentioned; Mr. Neelon's name was mentioned.

Q. "Any one else?

A. "Yes, there were some others; I think he said probably Mr. McCraney will vote against the Government. When he came to Mr. McCraney I said I did not think there was any chance of his voting against the Government.

Q. "Mr. Dowling?

A. "Yes, Mr. Dowling he said he thought in all probability would vote against the Government.

Q. "So that he had them labelled pretty accurately?

A. "I don't know whether he was accurate or not.

Q. "He seemed to think that he was?

A. "He said in all probability these men will vote against the Government.

Q. "Anything about Dr. Cascaden?

A. "Dr. Cascaden's name was mentioned.

Q. "How had he labelled him?

A. "Well, he thought possibly he might vote against the Government. I disagreed with him altogether on that, because I thought that Dr. Cascaden could not complain of his treatment at the hands of the Government; I did not think he would vote against them.

Q. "Mr. Lyon?

A. "Mr. Lyon's name was mentioned.

Q. "Was he a possibility or probability?

A. "Well, I think a probability—that is what he thought; he did not say anything further than he thought these men would vote.

Q. "And the result of that would be the defeat of the Government?

A. "He thought that the chances were that the Government would be defeated.

Q. "And then from the defeat of the Government would arise his Coalition?

A. "Well, I suppose that is what he assumed might, or at least would, in all probability take place.

Q. "What did he say to you about it?

A. "He said he thought that the Coalition ought to be formed."

Now, I submit to the Commissioners that you get there, fairly and squarely, the mode in which these persons approached any member of the House that they thought there was a possibility of their operating upon, and when Dr. McMahon said he did not think that there was any possibility, and that he was not going in, then they said, "There is no use in us trying that man any further." When they came to Mr. Awrey and they found they could not, they put it off with a joke; but when they came to these men that were determined that they were not going to allow these conspirators to escape by a joke, then they went on so far as the very payment of money into their hands; and so I say that not only from the evidence of Dr. McMahon, but from the evidence of eleven or twelve witnesses entirely independent of Messrs. McKim, Dowling and Balfour, this Commission must come to the conclusion that there was an organized plan made by these persons for the purpose of approaching any member of the House that they, in pursuance of that, did approach; that, so far as some were concerned, at once it was repudiated; so far as others were concerned, they were determined that they would see this thing to the end: they were determined that they would allow those persons to form this trap; they were determined that they would allow those persons to tumble in it; and the question is, whether it is not proved beyond the shadow of a peradventure that they did form the trap; and the only fault they have to find, so far as they are concerned, is that instead of getting McKim and the others to fall into it, that they tumbled into the trap that they themselves have laid. I trouble the Commissioners with that evidence of Dr. McMahon, because, although I might have given you the same information exactly from the evidence of Mr. McKim, I desired to give it from one as to whom nothing is said before the Commission, and it furnishes fairly and squarely the mode in which they happen to carry out their nefarious project. Now, you will observe also the great number of persons that were approached. I give them to the Commissioners because I think that simply the numbers answer the proposition, that there was not an approach made by these five persons upon the members of the House. We have McKim, Balfour, Cascaden, Dowling, Lyon, Harcourt, Gibson, Hart, Laidlaw, Caldwell, Sills, Graham, McMahon—these fourteen persons, more or less, approached by these persons. And in connection with that, as a very principal item in showing the pre-concerted action, the perfect knowledge of these men, of the probabilities and possibilities of the members. They had in their mind the same name; they were operating upon the same persons; they had a common knowledge of the mode of attack, as displayed by the names of the persons upon whom they were operating—whom they thought they could be able to influence by these means. Then, the first one that I desire to mention at greater length, is one that seems by the co-conspirators to be desirous of being left out in the cold amongst the blind, the oneeyed kings, and they seem to think that they will shine as kings as compared with this one man Wilkinson. Now we have of him, given in evidence that he was a noted politician in the employ of the Conservatives, and for years known, as proved distinctly, in these contests, and I submit corroborates what I have been presenting to the Commission of the mode of attack—corroborates the mode in which Dr. McMahon was attacked. Dr. Dowling was attacked by the kindly mention of his difficulties,—the sympathy of Mr. Wilkinson with a man that has suffered: the gentle idea that he would be almost a father to Mr. McKim in his suffering, and just the mode that ordinarily is used for getting the thin end of the wedge in. Then the change of air, the change of scene, the surrounding circumstances that were troubling the man's mind, and the North-West opened; and then how very scientifically—because there was a matter of science connected with this, my Lords, he put it—he proposed to go there himself, and he had his bed made there, and he thought he could do a good deal in investing money along with the registrarship of Calgary, or Edmonton, or Regina, and then so nicely put in, "Wouldn't you like to go up there, too?" Then, all through, also, it is to be observed how adroitly they do that, and the means whereby this was to be carried out. The idea of allowing the Conservative Government to go in and to replace the Reform Government was something that they thought could not be tolerated even by the persons that they thought that they could approach, and so they had a deep-laid scheme, and it was this:—"No, no, never; it is not a question of reform against conservative at all; don't misunderstand us; it is a question simply of the good of the country; it is a question of being lovers of peace; we shall meet you and put in a Coalition Government, quite as large a representation of Reformers as Conservatives. And so he approached Mr. McKim—everything presented to him in that way—and he leads up to the further attack that is made upon him. Now, at pages a11 and a12 we get this presented to Mr. McKim in the way that I have described; he told him about the registrarship when he was going up to London; he had three at his disposal—Calgary, Regina, and Edmonton, and then, having convinced these persons that the narrow majority would turn into a minority, that really in the best interests they should form a Coalition Government—at page 12. Then comes page 13, and the mode of the approach, and what it led up to.

"When he made me the first offer, it was that in my case, as I needed money, they would make it $500 instead of $300. As soon as he made me the definite offer of $500 and the registrarship, I told Mr. Pardee that he should be careful and look out and be on the watch, that they were endeavouring to defeat the Government by these means."

So that we get at the earliest moment the informing not only for his own sake and to protect himself, but so that the Government might be warned of the malign attempts that were being made for its defeat. Now he says the offer was the registrarship, a $1,000 for the expenses, and then he says he came up again and offered $2,000 instead of the $500, and then the $1,000 a year that he had offered. Then you will find also at page 14 that he meets him again, and that he had strengthened himself by the telegram that he had received from Mr. Macpherson: "Then we walked up to Wellington Street together, and he told me he had received 'a telegram from the Hon. Mr. Macpherson—that the letter was on the way,' and the next day, I think, he showed me the letter. Then he said they would have to have an agreement binding me to vote with the Opposition and against the Government."

Q. "It was he that suggested getting the agreement?

A. "Yes, and this letter of Mr. Macpherson's and the agreement, and Bunting's note were to be put into an envelope, and put into the hands of a third party, and he named Mr. James Goldie, of Guelph, and Mr. Bell, the manufacturer there, and he gave me my choice, and I named Mr. Goldie."

Now, the commission will observe that it is a very strange thing that Mr. Goldie's name should have been brought in there by Mr. McKim, Mr. Goldie being the very man that on this 3rd or 4th of February Mr. Wilkinson was in connection with, and that he went up to Guelph for the purpose of seeing. It is impossible to say that all these details and all these names and all these facts and circumstances could emanate from the brain of any man, and the very fact of their being produced before the commission proves the truth of his statement. It is impossible that they should have come into the mind unless it was that these for a matter of fact did exist, and this conversation did take place, and these inducements actually were held out. Then we find at page 16 that he arranged with Mr. Wilkinson; and Mr. Wilkinson having done his part of the work it was then arranged that he was to be handed over to Mr. Bunting for the further manipulation. Then also at page 18 there was another means to be used. I refer to it as being evidence of the conspiring together of these men. One person was thought to have been in difficulties, and we can get rid of him. One person has got an election protest standing, and we can get rid of him; he will very easily come over, perhaps, because it will be said, "If your election protest goes against you, you may be defeated; make your seat sure by opposing the Government;" and so we find at page 18 that they have all this cut and dried, and they come to Mr. McKim and ask him, "Now, can't you see Lyon and influence him. There was a protest entered against Mr. Lyon's election, and I was to go up and see about it." I present that as their next step. Then we find at page 21 again:

"Did you see Mr. Wilkinson again in regard to this matter? A. I saw Mr. Wilkinson again, and it was about the time, or coming near the time, when they got the money, and he put up three fingers that way, and he says, 'Do you see that?' 'Yes.' 'Well,' says he, 'that is what you will get; you will get 3,000 one dollar bills; you will get them in one thousand dollar bills; three of them.'"

Then at page 22, again, a continuation of that, and at page 23, the introduction to Stimson.

"I met Mr. Wilkinson after that at the Walker; he fixed the time that they were to pay me the money, the $1,500, and came and said I was to go to his room, they were all ready now He brought me up to his room, and when he opened the door and went in, there was a gentleman standing there. He introduced him to me, or me to him, as Mr. Lynch from Michigan, he said, 'now I will leave you, and you can do your own business.' He took out a large envelope.

Q. "Where was this, in Wilkinson's room?

A. "In Wilkinson's room in the Walker House. He took out a large envelope with something written on the back in the shape of the bet. I read it over, something about betting, I think about Dr. Dowling."

So that he passed on then to Stimson, who tried the bets, but they were found abortive. Then on page 24, we find a further approach made. Not having been able to take in with the bets the monies then produced, and also we find that which was found upon the person of Wilkinson—the round robin—is then presented to Mr. McKim. Then at page 26, believing that they had Mr. McKim entirely, they proceeded to develop further their plans.

Q. "Had you any further interview with Mr. Wilkinson in the presence of Mr. Lyon, or was that the only one?

A. "We had one or two, but it was all to the same effect, he was to get the petition withdrawn." And then again on page 27:

Q. "Was Mr. Kirkland present on any occasion that you were with Mr. Lyon?

A. "I remember him coming to me after I broke off with Lynch, and asking me if I would not take the $750

Q. "Who did?

A. "Kirkland, before Wilkinson, and he seemed to be sorry for the arrangement being broken off, and then immediately after Wilkinson came; they were about in the some place; they were in the House at the same time; I would not say that they were all present together." Then at page 76, we find Wilkinson dealing with Balfour:

Q. "Did you see Wilkinson?

A. "Yes, McKim introduced Wilkinson to me, I had not known him personally until then.

Q. "What did Mr. Wilkinson talk about?

A. "Along with myself, he first talked about general matters, and he finally branched off into political matters, and asked me what I thought about a coalition—a change of Government in the Local House. He said it would be an advantage to the country to do away with so much party strife, especially in local matters, and that by having a Coalition Government which would not work antagonistic to the Dominion Government, the Province would more readily get her rights. He said it was proposed to form this Coalition Government and take in three members of the Opposition—three leading members. He mentioned them, and gave me his opinion of their special qualifications, and their faults, and so on. The three were Mr. Morris, Mr. Meredith, and Mr. Creighton. He said Mr. Meredith would go into the Coalition as Premier and Attorney-General, Mr. Morris as Minister of Education, though it did not suit him altogether for the position, and he said Mr. Creighton would be the best man in the House for Treasurer He said Mr. Meredith had some faults, but that he was the best they had, and he specially mentioned Mr. Creighton as being the best for Treasurer. He said an equal number of members would be given to the Liberal side of the House in the proposed coalition?

Q. "Then was anything definitely presented to you on the question of coalition?

A. "You mean in regard to other members?

Q. "No, as to how it was to be accomplished?

A. "He said they wanted the support of a sufficient number of members supporting the Government to defeat the Government of course, and when they went out of office this Coalition commenced of those three Opposition members, and three on our side were to come in.

Q. "His first object was to defeat the Government and his second to form this Coalition?

A. "Yes, he said they would have to have a Coalition because they could not go to the country at the present time with any hopes of success against the Liberal party. He said as long as Archbishop Lynch was alive and exercised his influence in favour of the Government there were no hopes, but they were in hopes of getting a sufficient number to defeat the Government, and to carry on the Coalition Government to the end of the term, and by that time the Archbishop would be dead and out of the way, and there would be some hopes of success."

Then an offer came to him also of the Dominion offices, the advertising, and then the guarantee of $1,000 to $1,200. Then the reason that was given was rather artful, for this round robin, page 79:—

"All they wanted, he said, was some guarantee to Mr. Harcourt that there would be a sufficient number of members to vote against the Government." So when it was said, "Why do you want us to sign this?" it was very neatly put, "We want it as a guarantee so that he that is going to be the principal mover on your side will be convinced that this thing will be carried through." Then at page 81, "On Sunday I was lying,"—that refers to the coming in and the paying of the money. Then at page 126 that shows as clearly as possible where the approaches were coming from—the evidence of Mr. Goldie.

Q. "What was the subject of your conversation"—that is, between Wilkinson and himself?

A. "It was the question of a Coalition Government; we turned to that afterwards. After preliminary remarks, he began talking about the chances of defeating the Mowat Government.

Q. "Did he say whether there were chances or not of defeating the Government?

A. "Yes.

Q. "What did he say as to the chances?

A. "He did not give me further information. He did not open himself very freely to me.

Q. "But there were chances of defeating the Mowat Government?

A. "Yes, I understood there were a great many dissatisfied; it would not be a party defeat but a Coalition defeat."

And the Commissioners will observe that this matter of dissatisfaction was being really fomented by these men, Bunting and Wilkinson: they were really creating that, and then operating on the minds of others by it; and so with each one of these it was, "Oh, there is a great deal of dissatisfaction." Then at page 127:

Q. "Did he state that somebody had come up to Guelph to make inquiries?

A. "I cannot recollect that.

Q. "About whom, then, was it that he wanted to make inquiries of you?

A. "The member, Mr. Laidlaw.

Q. "He is the member for your riding?

A. "Yes, sir.

Q. "You could not beat him?

A. "We tried hard, but could not.

Q. "What did he propose to you?

A. "He gave me to understand that Mr. Laidlaw was a man who was rather dissatisfied with his party, and that in case a Coalition Government was formed he was given to understand that he was a man who would come over. He wished me to see Mr. Laidlaw, and ascertain what Mr. Laidlaw's political feelings were."

Then at page 128:—

Q. "Why was it you did not fulfil the task laid upon you by Mr. Wilkinson?

A. "One thing was, Mr. Laidlaw was a man who I thought would not be guilty of it, and I did not care in my own mind to take hold of any such thing."

Then he says at page 129:—

"I met Mr. Wilkinson on the street, and I went to his room at the Walker House with him, and we stayed there ten or fifteen minutes and left. He did broach a little more to me then, and talked about Coalition Government, and gave me the name of Mr.

McKim as a man who had changed his political opinion, and he said there were others who were willing."

Then at page 130:—

Q. "Then did he indicate to you by what means the Coalition was to be formed and the Government defeated?

A. "Well, some were dissatisfied, and they would take in three of the Opposition to form a cabinet.

Q. "By what means were they to get the persons to change their views and vote against, instead of in favour of, the Government?

A. "I inferred that he would use unfair means in the case.

Q. "Corrupt means?

A. "Yes; I inferred that.

Q. "He also indicated what the corrupt means were?

A. "I don't think so, except he talked once about offices, but I inferred from his conversation that it was money."

So that Mr. Goldie tells us that he went to Guelph for the purpose of operating upon Mr. Laidlaw; that offices and money were the means that he was using, and that the reason that he did not continue—and that accounts for Mr. Bunting meeting Mr. Goldie as he did—he did not care for him to be making this thing public and known in the case of a man like Mr. Laidlaw, whom they saw perfectly well they were not going to get. It would be the means, virtually, of ending their plot if it were generally known amongst men that those whom they thought likely were refusing them, and the result would be that it would come very soon to the ears of the Government, and there would be an end of it. Then we come to Mr. Dowling's evidence on page 199. There you will see again "Wilkinson commenced to talk about the protest filed against me, and also about there being great dissatisfaction amongst the supporters of the Mowat Administration. . . . He said, then, that some parties were anxious to overthrow the Mowat Administration, and if I would vote against the Government, those proceedings would be withdrawn against me, and they would also want me to resign my seat in South Renfrew."

The Commissioners will see how completely the plot was laid. It was necessary not only to get this man to vote to defeat the Government, but also to resign his seat in order that they might get in a person necessary for the carrying on of their Government. So completely had they gone into all the details, and all the means for carrying them out, showing that the plot was on the side of Wilkinson and Company, and not on the part of McKim. Further, on page 199, we have this:—

Q. "Was there any other offer to you?

A. "He also stated that if I would resign and vote against the Government, all the expenses in regard to those protest matters would be recouped.

Q. "Were any figures mentioned as to the extent they would go?

A. "If I resign my seat, he said, if I would vote against the Government first, I would get a couple of thousand dollars; and after I resign my seat two or three thousand dollars if I would not interfere against the member who ran."

Again, although it was said that it was absurd to say that the protest could be withdrawn, we find on page 200 how he deals with that:—

Q, "Why were you to go and see Mr. Bunting?

A. "He said he would have the protest withdrawn against me. I asked him whether Bunting could do so, and he laughed, and said I was not aware of what power Bunting had, on something of that kind."

Again we have it:—

Q. "He meant powers in connection with the withdrawal of the protest?

A. "Wilkinson laughed when I said I could not see how Bunting could have it withdrawn. He laughed and said I did not know the power he had."

Further on:—

Q. "Was it arranged where you were to see Bunting?

A. "Yes.

Q. "Who arranged it?

A. "Wilkinson"?

Then at pages 202 and 203, we find that he passes him on to Lynch, who took him upstairs, and Lynch says that Wilkinson had been speaking to him, and draws out the arge white envelope, and so on. Then at pages 205 and 206, we find him producing the $2,000, and wanting him to take it and sign the round robin. Then with regard to Mr. Lyon, we have this on page 270:—

Q. "Did you on any of these occasions, when Mr. Wilkinson was speaking to you, see any money with him?

A. "Oh yes, he showed me the money.

Q. "What did he say in connection with the money?

A. "He said he had got the stuff now to pay for the votes."

So I submit that there can be no question whatever in the minds of the Commissioners that so far as Wilkinson is concerned—the first I deal with—he distinctly made these offers; he distinctly did hand over the money, he distinctly did agree to withdraw the protest, he was conspiring with these others, and the arrangement was that one was to operate upon the one, and another upon another; that they were to be passed from the one to the other, that they were to take a guarantee, and by that means endeavour to assure the minds of these people that what was promised by the one would certainly be carried out. I submit therefore, that everything that has been alleged against Wilkinson has been proved to a demonstration. The next one to whom I shall refer is Mr. Meek. Now, he occupies the position of being, as is alleged by Mr. Monk, amongst others, the Solicitor for the Conservative party. There is no question whatever, that this agreement was prepared, that it was prepared by Mr. Meek, that it was a matter to be kept secret—a matter which I submit to the Commission, it would be impossible to believe that a solicitor would prepare—impossible to believe that a solicitor would simply, at the instigation of a person coming in, be guilty of so gross a crime (I mean professionally) as preparing a paper of that kind to be used for the debasing purposes presented to him by Mr. McKim. It is impossible to conceive, that a person could be so utterly devoid of all sense of right and propriety as to sit down without remonstrance and gravely prepare a paper which has for its object the purchase of certain members of Parliament. I cannot conceive—thinking it over—that a person could possibly without remonstrance, without a word of anything to endeavour to divert from such a scheme—sit down and gravely prepare a paper of that kind. I say, therefore, that the evidence of McKim in regard to that agreement bears inherently a great weight of truth; and that it is met by such an extraordinary position on the part of Mr.

Meek, that the testimony of Mr. McKim must outweigh anything which has been said here by him. Now, I propose to deal shortly with the evidence of the four that spoke about Mr. Meek, and then shortly with his own evidence, showing how far anything that is stated against him is admitted in that evidence. I say that it must be to the mind of any man cogent evidence of the fact of a previous knowledge of all these matters—the mode in which Mr. Meek deals with these parties when they come in and ask that this agreement shall be prepared by him. At page 39, Mr. McKim's evidence—Mr. Meek extracts this account from him :—

Q. " Did you not say to me that you thought your services in this matter were worth about $2,000 ?

A. " No, you never spoke to me about $2,000 ; you had a draft of agreement ready, and you had a note of $500 there signed.

Q. " Will you please answer my question ?

A. " I did not speak to you about what you say now : the $2,000 was understood perfectly well before I went to your office.

Q. " Did you not tell me you wanted an agreement with this party to bind him or them—whoever it was—that they would pay you $2,000 for your labour and expenses in connection with this timber policy ?

A. " It was not necessary to tell you : you had that agreement written out when I went there. and read it to me.

Q. " Will you answer my question ?

A. " I say I did not, because you wrôte that agreement for me ; you had it written out when I went there, and you wrote it for me.

Q, " That is a distinct untruth : did you not tell me that ?

A. " I did not, for you had all that down in writing before I went in.

Q. " Did you not sit down and dictate an agreement which you wished me to draw for you ?

A. " No, you had the agreement written when I went in : you read it.

Q. " If your memory were worth anything at all, you would know that is entirely untrue ?

A. " Well, I know it is not untrue ; I am sure it is true : you had it written, and wanted me to approve of it, and was going to re-write it, and did re-write it.

Q. " Don't you remember sitting down at my table opposite to me. and dictating the kind of agreement you wanted drawn ?

A. " No, I did not ; you had it done when I went there.

Q. " Do you remember my reading that agreement to you after I had drafted it, and you disapproved of some parts of it ?

A. " No, you had it written when I went in."

And so on. Then on page 40 :—

" I remember distinctly you and him had a $500 note drawn up and signed there, and you had this agreement."

Then we find at page 45 also :—

Q. " Do you recollect your talking about forming a timber company ?

A. " Yes, and I remember you applied for the solicitorship.

Q "And I said to you, after you had discussed this matter for some time, 'I want you to make me solicitor at $5,000 a year?'

A. "Yes, you asked for the solicitorship; I don't know that the salary was named; you said all you wanted was the solicitorship.

Q. "Don't you remember me saying, 'won't you make me solicitor, with a salary of $5,000 a year?'

A. "I don't remember; you may have said that, but I remember of your speaking of the solicitorship.

Q. "Do you recollect you and Lyon discussing the question, and saying you would divide these timber limits between yourselves?

A. "No.

Q. "And that you would get the start of the Yankee, and would not let him have a share in it?

A. "No, it was Wilkinson said that."

These are questions put by Mr. Meek. I refer now to page 101, Mr. Balfour's evidence, in which he says Mr. Meek was mentioned as Solicitor of the party. Then at page 111, Dr. Cascaden's evidence, he says:—

"I had been apprised by the head clerk of the hotel where I boarded, that Mr. Meek called upon me.

Q. "Who is Mr. Meek?

A. "Mr. Meek is a Barrister of this city, a former resident of West Elgin, and a former acquaintance of mine.

Q. "And what is his position—is he a Reformer or Conservative?

A. "He is now, I believe, a prominent Conservative, he told me. When I knew him first and most, he was a Liberal. I had been apprised that he wished to see me on my return from home on Tuesday, the second week of the session, and that evening or an evening or two afterwards he met me in the hotel.

Q. "You were staying at the Rossin House?

A. "Staying at the Rossin House. And drawing me into conversation aside, he wished to have a private chat, which I consented to at once. Very soon, after some preliminaries of a private character as to our families, and invitations to visit him at his home, and all that sort of thing, he launched out into a statement of his position in the party. He said, 'you know my position in the Conservative party.'

Q. "Did he mention what his position was?

A. "Not definitely—that he was in a trusted position, a sort of executive position. He assured me he was in a position to speak for me. He wished me to assist in the overthrow of the Government.

Q. "What reasons did he assign, or upon what did he base this desire?

A. "The general statement of there being too much partyism in the country—the general statement that the country would be better if a less virulent course were pursued and a more moderate course.

Q. "So you were to undertake to obliterate party lines by defeating the Government?

A. "Yes."

And on page 112 :—

"I asked him what was the scheme, and he said it was to form a coalition."

Now, that also is material in this respect, that all these persons speak in the same way ; the same means are spoken of, and each conspirator has at his fingers' end the mode by which it is to be effected. Go at any time to any of these persons, and the whole scheme is there ; we will get a sufficient number of members to defeat the Government, and then we will form a coalition. Further on, page 112, we have this :—

"I was to have my choice of supporting one or the other of five or six resolutions that would be submitted to me." . . . . . . . . . . I was not required to attend throughout the session. I assured him I was unable to guarantee any Government or party my support on account of my health as one of my reasons for not going on with those negotiations further. And he assured me that I could support one of the resolutions and then go home without resigning. But upon my assuring him that I could never return to West Elgin after having so broken the confidence of my supporters, as another reason for breaking off the negotiations, he assured me that it would not be necessary, that I should have the registrarship of Regina, at $1,800 and three or four thousand dollars to pay my expenses out there. . . . . He suggested my going to see Mr. Bunting."

Then on page 121 :—

Q. "Do you say you did not ask me if there were other members on the Reform side who were in favour of that?

A. "I did not ask it. You volunteered that statement as an encouragement to me to treat.

Q. "What did I say?

A. "You said, 'We have already five or six on the Liberal side of the House who are willing to support this scheme.' You volunteered that as an encouragement for me to do likewise."

Then at page 164 Mr. Monk says, that he was the solicitor of the party. Then at page 267, Mr. Lyon's evidence, we have the following :—

Q. "What else?

A. "There was some other conversation took place, and talk of the withdrawing of my petition ; Mr. Meek had charge of the petition and the protest for the petitioner, and he said if I would carry that out that he would withdraw the petition.

Q. "Is that Mr. Edward Meek who is present in the court?

A. "Yes.

Q. "Had you seen him before?

A. "Yes, I met him in Algoma at the time of the election ; he was up there speaking ; he was in opposition to me ; by that means I came to know him.

Q. "What more passed between you?

A. "Well, I wanted some security that the petition would be withdrawn ; I wanted a writing that the petition would be withdrawn, or a guarantee from some responsible man in their party that the petition would be withdrawn. I offered to take Mr. Meredith ; he refused, he did not want to mix Mr. Meredith with it.

Q. "Who refused?

A. "Mr. Meek; but he would give Mr. Bunting, and asked me to go and see Mr. Bunting. . . . There was something said on that occasion about forming a Coalition Government. Mr. Meek stated that the two Governments would be more in harmony; it would be more conducive to the interests of the Province if the Dominion Government and Ontario Government were in unison," and so on.

So that we have three distinct proposals made to McKim, distinct proposals made to Cascaden, distinct proposals made to Lyon; and now we will get in a moment what Mr. Meek says about those proposals, and to that I ask the attention of the Commissioners. At page u10:—

Q. "Did you address him on any subject connected with politics, or did he address you?"

Now, Mr. Meek admits that he has not gotten a very good memory in this matter, for he says:—

"Well, as to who began the conversation on politics, I would not be exactly certain."

But we see by the following who it was began the conversation about politics:—

"We discussed local matters relating to the county, as I came from the same county, and after some little talk, he told me about his health, that he was troubled with sciatica, that he was in very poor health, and that he intended to go to the hospital; he had made up his mind that he would go to the General Hospital in Toronto for two or three weeks. If he failed to get relieved there that he would go to New York, and that he thought he would try and get a permanent cure in that way. I then said to him that that would have an effect on the voting."

So we see that Mr. Meek began the talk about politics. He goes on:—

"That would have an effect on the voting, as the majority of the Government was very small."

So we have the fact that Mr. Meeks calls on Dr. Cascaden, and the fact that he began this subject of politics. Then on the next page:—

"I said then that there were a number of others that I thought I had heard were dissatisfied, that the Government were rather shaky, that I had heard that there were a number of others that were displeased with the Mowat Government."

Now the Commissioners will observe the common mode of attack; you may just as well give us your vote, we are operating on five or six; we will carry, and you may as well come in and get the benefit. That is the first proposition—dissatisfaction with the Mowat Government; and the second is, it is not going to hurt you so much, because it is going to be a Coalition, and you will have a full and fair voice in regard to the matters of the country.

"I said that I heard that others were dissatisfied too, and he said that he had heard rumours to the same effect. Then I said to him, may I speak to you in confidence on this matter on your honour as to what information I have."

I ask the special attention of the Commissioners to this last sentence, and I ask, can it for a moment be said that that approach was not all one with the full knowledge and full understanding that he goes there as one of the emissaries; and because it might be used, he says, I will start by extorting a promise of confidence and making it a secret matter.

"I then said to him that I had understood that there were a number of members on the Reform side of the House, who were at present supporters of Mr. Mowat, who were disaffected, and who were willing and in favour of the formation of a Coalition Government."

The Commissioners will observe that whether the approach was made by Wilkinson. by Meek, or by Bunting—whether it was made to McKim, to Dr. Dowling, to Dr. Cascaden, or Mr. Balfour, there was the one concerted plan of attack; and the plan was, spread the idea of disaffection; spread the idea that the Government must certainly crumble. and then don't hit them too hard, but tell them that there will be a Coalition formed on the ruins of the defeated Government. Then he proceeds:—

"I asked him if he would be willing to vote against the Government if a question came up which would result in the defeat of the Government; he said that he would, but he thought that it was a serious matter to him."

So we find that at what was apparently first understood by Cascaden to be simply a friendly visit, Mr. Meek is the first to draw the conversation up to the matter of politics; then asks that the interview be a private one, and then asks him plump and plain, "will you be willing to vote against this Government." And what does he admit? We will see what is at once brought up in conjunction with that:—

"I said that I had no doubt that, if he were of material service to the Conservative party, the Conservative party would do something for him in that event. I said I had no doubt upon that point, that if he were of material service under those circumstances to the Conservative party, that in my own mind I had no doubt that they would not overlook him—words to that effect."

So we get the further step in the transaction—if you will vote against the Government, then we will reward you for it. But we go a little further

Mr. Meek.—"That is not stating the evidence as it was given. What I said was that in the event of his being defeated, that the Conservative party might do so-and-so.

Mr. Blake.—"I am reading your evidence.

Mr. Meek.—"The evidence was as I gave it; that it was in the event of his being defeated—his going back to the country.

Mr. Blake.—"Certainly; it was in the event of the man sacrificing himself in any way.

Mr. Meek.—"No.

Mr. Blake.—"I will read it:

"'I asked him if he would be willing to vote against the Government, if a question came up which would result in the defeat of the Government. He said that he would, but he thought that it was a serious matter to him, as the defeat of the Government would result in a dissolution of the House, and he would have to go back to his constituents for re-election, and the probabilities were that he would be defeated; that his majority was small as it was, and that he would be defeated; and he then said he wanted to know if the Conservative party would do anything for him in that event. I said that I had no doubt that, if he were of material service to the Conservative party, the Conservative party would do something for him in that event."'

What was the material service? It was that he was to vote against the Government. There was no material service in his being defeated, but the material service was the vote; and, if he rendered material service to the Government, which service was voting against the administration, then they would give him the reward of selling himself, in that event. Then, the next day:—

"I went over to the other side of the House, and went in behind the Speaker's gallery and sat down under the Reporters' gallery, beside Mr. Bunting, who was there at the time—not very close to him."

Then, at page u13:—

"I met him the next day, at the Rossin House at eleven o'clock.

Q. "As far as you can recollect, is there anything material further that happened in the conversation between you?

A. "There is nothing else material that I can recollect at this moment. On the next day, I met him at the Rossin House, and we sat down in the hall on a seat at the side there, and he spoke to me, shook hands in a cordial manner. Oh, yes, this is material; before I left him the night before, I said to him: "of course anything that I said to you in reference to the disaffection of members on the Government side is said in confidence."

I ask your Lordships to be good enough also to note that remark. Anything which is said in regard to disaffection of supporters of the Government is to be in confidence. Why? Because it will prevent our scheme being carried out; because if it is known that there is disaffection among the supporters of the Government and it comes from me, they will make inquiries; because it may be that the result of their being informed will be that our plot will be discovered, that there will be something to prevent its being carried out. There was no such reason as the one attributed by Dr. McMichael in his argument, but that they had gotten a certain plan on foot which would be disorganized if they let out the fact that there were disaffected persons.

Q. "He was not to publish that?

A. "Not to publish it, and he gave me his word of honor that it was so, and I was not to mention anything that he said to me about his quarrel, and I said I would not. Well then, he met me in the Rossin House next day, or at least I met him, and we sat down, and I asked him what determination he had come to, and he said, that he had made up his mind that he could not vote against the Government now; he did not say that, but I gathered from what he said that something had occurred in the interval which had changed his mind."

That shows that an attempt had been distinctly made; that Mr. Meek went for the purpose of making the offer; it shows that there was to be something done for him, and we get from the evidence of Mr. Meek what that was; and we get it also very distinctly from the evidence of Dr. Cascaden himself—the promise of an office in the North-West if he were the means of defeating the Government. Then, this evidence in regard to Mr. McKim is certainly very instructive—page u14:—

Q. "When he came in did he introduce himself to you?

A. "McKim, yes, he said that he was Mr. McKim,—or no, it was my clerk that introduced him; my clerk had seen him and knew who he was, and he opened the door and said Mr. McKim."

It seems to me an extraordinary thing to say that a Reform member should go into Mr. Meek's office in this way; that there was not a single word of surprise, and should sit down and ask him to draw an agreement to buy some members of the House, and that, without a single word of observation passing between them.

Q. "At that time was anybody in the office but yourself?

A. "Well, Mr. Wilkinson came in about that time.

Q. "Came in afterwards?

A. "Yes.

Q. "Was Wilkinson in the office when he came in?

A. "No.

Q. "Was Wilkinson in the office when he commenced his conversation?

A. "Wilkinson was not, no.

The CHAIRMAN.—Q. "You say he spoke of his intention to vote against the Government; did you say that he told you he was to receive a sum of money?

A. "Yes; not for his own vote, but for his services in connection with getting others to vote, sufficient to carry that point, that question.

By Dr. MCMICHAEL.—Q. "He was going to be the agent to accomplish it?

A. "Yes.

Q. "That is the timber policy question?

A. "That was the question, I think.

Q. "Did he say so?

A. "He said so, yes.

Q. "What else did he say?

A. "Well, I may just mention here with reference to Mr. Wilkinson, anything I know of Mr. Wilkinson—

Q. "Never mind that for the present; let us know what McKim went on to say?

A. "Well, we had a considerable conversation, and as soon as Mr. Wilkinson came in he and Wilkinson entered into a conversation about politics in general, and they talked together for a considerable time on politics in general.

Q. "Does Wilkinson do any business at your office?

A. "Yes, I have been his Solicitor for a good while.

Q. "Had he any business in your office—any business for you as a Solicitor—about that time?

A. "Yes, he had.

Q. "He is one of your clients?

A. "Yes.

Q. "Then he came into your office and found him there?

A. "Found him there, yes; they were acquainted. he and McKim were acquainted, and they went into conversation, and I took no part in the conversation; they sat off to one side, and McKim was sometimes sitting down and sometimes standing up and walking around, and they were discussing politics and one matter or another connected with politics, and I went on with my other work that I had. After a while Wilkinson went outside, and McKim came in and sat down at my table opposite to me and told me the particulars of this agreement, and I wrote it out from the particulars that he gave me there and then.

Q. "Did he give you names?

A. "No, he gave me no names at all; he distinctly said that no names were to be put into it, and that it was private, and that he did not want it mentioned—particularly careful that way, very careful, fearful that someone would see him in the office."

Very strange that he should be so careful when he does not seem, according to this evidence, to have had any objections to Mr. Wilkinson seeing him.

Q. "No names were in it?

A. "No, no names were in it—just mentioned that the party of the first part agreed with the party of the second part—in that way; I handed it over to him when I had it written out; he read it over and suggested certain alterations, which I made on the draft; after I had made the alterations as I thought satisfactory to him, I then re-wrote it and handed it to him, and he read it over and said it was all right, and I think he then went out and I never saw him afterwards.

Q. "Not at all?

A. "No, I mean to say not for a month afterwards.

Q. "Did he never bring the paper back to you?

A. "He did not take it away; he left it there and he went away."

Then, at the next interview at the Parliament buildings, Mr. Meek says:—

"He told me that Mr. Wilkinson was at the Walker House, and wanted me to go down to Wilkinson's room at the Walker House; he said, 'I will go in and get Mr. Lyon, and we will walk down together,' and I said, 'No, you need not get Mr. Lyon; I don't go down with you or Lyon at all;' well, he did not see any reason why I shouldn't; I said, 'I have my own reasons for it, and I shall not go;' after some little urging he went away; I forgot to say that he brought a note from Mr. Wilkinson, which, I think, he handed me, and he said, 'That note is simply asking you to come down to Mr. Wilkinson's room.'"

He was playing a little off at that time, but ultimately he was there, and in due time all the operations were performed. Again at page u18 he says in speaking to Mr. Lyon:

"You ought to give me credit for more sense than that; if you were a supporter of ours you must know, you have got common sense to know that we would be idiots to try and unseat you; that is the extent of any promise I made of any kind; I said we would be idiots to try and unseat you if you were really a supporter of ours, and I said more than that. I said, 'Your asking me for that shakes my confidence in your honesty,' or 'destroys my confidence,' and I said, 'I shall certainly not give you anything of the kind.' They pressed us very strongly, both he and McKim, and I got a little angry about it and felt annoyed, and refused point blank to do it or to say anything else that I had said. 'If you are really a supporter of Mr. Meredith's,' I said, 'of course Mr. Meredith or we'—I used the word we—'would be idiots to try and unseat you.'

Q. "But you made no promise?

A. "I made no promise of any kind."

Well, that was a pretty good promise; he had filed an election petition, and he says, "If you are a supporter of ours you must know that we would be idiots to try and unseat you," and I don't know that he could possibly have put the thing in a stronger way. It certainly convinces Lyon, for he went away with this promise, thinking that he might count his seat as good, and the petition against it withdrawn.

Q. "But you made no promise?

A. "I made no promise of any kind whatever, unless that could be construed into a promise; that is all I said.

Q. "You did not solicit that interview?

A. "None of them; in every instance they came to me."

The commissioners will observe that that is not putting it fairly, for it will be remembered that a letter was brought from Mr. Wilkinson by Mr. McKim, and that the interview took place in pursuance of that letter.

"They were discussing the matter of forming a company and getting hold of the timber limits up on the Thunder Bay District, and talked of forming a company for that purpose, and they discussed that for a considerable time; I sat there while this discussion was going on; I took no part in that at all; finally I said in a joking way, 'if you form this company I hope you will make me solicitor and give me $5,000 a year,' or something to that effect."

Now, of course, there is the usual attempt to make the thing a joke, but in regard to these men it was a distinct statement; there will be a lot of timber limits going; we will divide the spoils; there was a childish dispute between them as to which had done the most; these two had the *spolia opima*, and Mr. Meek had to be content with the mere drop in the bucket of the solicitorship at $5,000 a year. Then at page u19:—

"Lyon said—I think it was Lyon who spoke—we just want to say good night to you and to ask you to have a drink before leaving, something to that effect; I declined, and said good night, and then Lyon asked me again if I would consent to withdraw the protest, and McKim asked me again; they both urged me as strongly as they could; I said I will not say anything further to you than what I am saying; I can say nothing more than that, and I said good night and shook hands with them and left them. That is the last I had to do with any of them in any shape or form.

Q. "Were you at any part of that time in communication with anybody else respecting this, or was it entirely just what turned up from time to time?

A. "I was in no communication in any shape or form except what advice was asked me as solicitor by Mr. Wilkinson. Anything apart from what I have stated that I know in the matter, was simply from information given me by him in asking my advice from time to time; I took no part in any way or manner other than what I have stated."

And is not that all we want? Wilkinson from time to time consulted him about this matter, and he gave the advice; when there was anything to be done in Meek's way, it was done; it was he who prepared the agreement, and when there was nothing to be done in his way as solicitor, he makes promises and engages to withdraw petitions and says 'I will do that part of the work.'

Q. "This document that you drew, he just left it?

A. "He just left it.

Q. "Did he ever refer to it again?

A. "He never referred to it again.

Then on page u20:—

Q. "Then you did not volunteer this as a piece of help to any party?

A. "Not in any sense, or shape, or form; I did not know anything at all about any proceedings of any kind at that time from anybody; anything I learned afterwards, I learned it from Wilkinson as he told me from time to time, as he came to me to ask my advice as to whether he should comply with certain requests that were being made to him, and what would be the consequence, which I advised him on several different occasions, when he gave me those particulars."

So we find this confidential adviser of the conspirators telling them how far they could go, what they can do, and what they cannot ; and when documents are necessary to carry out their plan, he is the one who prepares them, and that he himself distinctly says. Then his memory—and of course I am not blaming any one for that—but I think it is tested by the following on page u21 :—

Q. " By whom ?

A. " Well, I don't know ; I think it was Mr. McKim that left the word.

Q. " Was it with you that he left the word ?

A. " I think not ; it was with my clerk.

Q. " Have you any recollection upon it ?

A. " My recollection is, I have a recollection that it was with myself, but I would not be positive.

Q. " When he came and said that it would not be used, could you give as near as possible the language ?

A. " That the matter had fallen through, that the party would not sign the agreement."

And on the following page :—

Q. " And he would not tell you who was going to sign it ?

A. " Hid not tell me.

Q. " And then why did he not take the agreement with him ?

A. " He was to get the parties to come to my office to sign it."

The Commissioners will observe that this was to be a private document ; nobody was to know of it ; there was only one person let into the secret ; Mr. Wilkinson had consulted with Mr. Meek, had asked him how far he could go, and it is to Mr. Meek's office that Mr. McKim is to return with the person who is to carry this out, and therefore it is to Mr. McKim and to him alone he is to make known everything connected with it. The agreement was to be signed there—he was to return there for the purpose of signing it. I have no doubt that the reason of the failure—of its dropping through—was as given by Mr. Goldie, that when they found, on the morning of the 6th or 7th, that the vote in the House was against them to a larger extent than they expected, they thought that in the meantime there was no use in carrying this arrangement out ; better let it drop, and therefore the persons were not to come to the office to sign the paper.

Q. " Did he not say it was something that was not to be made public ?

A. " He mentioned that ; he said it was a peculiarly private matter, and he was careful to keep away from the window so that nobody would see him.

Q. " He was to bring the parties to your office to have it signed ?

A. " Yes.

Q. " When was it he was to bring them ?

A. " That day.

Q. "Therefore, it was not to be a matter that was to be kept secret from you, because, of course, you would know?

A. "I would know when the parties came.

Q. "Do you recollect about what hour it was on the first occasion of their coming to your office?

A. "Well, I would not be certain as to the hour, it may have been twelve or one o'clock, or along there, or possibly—well, I could not speak as to the hour, in fact, my recollection as to the first meeting, as to the particulars of it, is indistinct, as I did not charge my mind with it at all."

Then, again, at page u23:—

"I would not pledge my oath absolutely, because Mr. Wilkinson was frequently in my office; whenever he was in Toronto he was generally in my office; I had a number of matters in hand for him, and he usually came to my office the very first thing."

Then, again, at page u24:—

Q. "Then, when Mr. McKim came in on this occasion, what was the first that passed between you?

A. "Well, I have given it as near as I can; he spoke to me about that he was a member of parliament for Wellington—one of the Wellingtons, I think.

Q. "Were you surprised to see him?

A. "No, I was not surprised to see him at all."

So the Commissioners will see that Meek knew it was no secret from Wilkinson, because he was there when this matter was going on.

The Chairman.—Whose evidence is that?

Mr. Blake.—That is Mr. Meek's evidence.

Q. "How long had it been going on before?

A. "Well, it had been going on for some little time; I think Mr. Wilkinson had been in the outer office; and that my clerk came in then. I am not sure about that then, but I know it had been going on for probably ten minutes.

Q. "Have you got two or three rooms in your office?

A. "Only two.

Q. "You think that the conversation—that is, your recollection of it—without pledging absolutely your oath to it, the conversation had been going on for some time when your clerk came in and said that Mr. Wilkinson was in the room?

A. "I don't recollect; I don't say as to that, whether my clerk introduced Wilkinson or not, or whether Wilkinson came in himself, I am not sure about that.

Q. "I thought you said that Wilkinson had been sitting for some time in the outside room before?

A. "Well, it just occurred to me that I had some recollection of that, but I am not quite sure.

Q. "You don't know whether Wilkinson had been remaining for some time in the outside room before he was brought into your room?

A. "I don't know.

Q. "Did Mr. McKim say anything to you about being solicitor of the Conservative party?

A. "He said something to me about being a Conservative.

Q. "Did he not say something to you about being the solicitor of the Conservative party?

A. "No, I don't think he did; he may have said that word; I am not positive about that; he may have used it in that way, but my recollection at present is that he spoke about my being a Conservative solicitor, or Conservative.

Q. "Did he say anything more about either Conservative or Liberal, or so on?

A. "Not that I recollect of; he spoke something about my being a solicitor—Conservative solicitor. I remember his saying something about that, but as to anything else, I don't remember.

Q. "Did he say that he had come to you because you were the solicitor of the Conservative party?

A. "He said something of that kind—something of that sort."

And again, on page u26:—

Q. "Was Wilkinson surprised to see McKim there?

A. "I don't think he was, or at least I don't remember whether he was or not.

Q. "This was to be a very secret matter; he would not go near the window, and didn't he shrink away when Wilkinson came into the room?

A. "Well, he did not appear to; they sat down and discussed matters; they seemed to be well acquainted with each other.

Q. "They began, without any surprise, to sit down and discuss matters?

A. "Yes; and sometimes he got up and walked around; he did not seem to be so much afraid of a window at that time; I recollect now, he went towards one of the windows and looked out; I remember that.

Q. "Did they at once, then, begin to discuss this matter when Wilkinson came in?

A. "They began discussing; I can't tell you, I can't pretend to tell you, the details of their conversation at all; I was engaged in my own business.

Q. "Were you not listening to instructions?

A. "The instructions were not given then.

Q. "They certainly did discuss this matter?

A. "They discussed politics in general, and something about an office in the North-West, that is my recollection; but as to this particular matter, I don't recollect that anything was said about it at all; I don't think it was.

Q. "About an office in the North-West, do you recollect what office it was?

A. "I think it was a registrarship that McKim wanted Wilkinson to get for him, offering to resign his seat.

Q. "Your memory is brushed up a bit?

A. "Well, that is merely recollection; it may have partially arisen from subsequent information; but I don't know that I ought to mention anything further in connection with Mr. Wilkinson, because he consulted me in this particular matter, and any information I have of the matter comes through him, and as his solicitor, he was asking me my advice."

Now certainly there is no rule in favour of the proposition that because a person happened to be a solicitor he can get rid of responsibility which otherwise is cast upon him. As I understand, the responsibility is made heavier because of his professional capacity, because of the position he is supposed to occupy, because of the oath he has sworn to keep himself aloof from anything of the kind ; and certainly it cannot place him in any better position. He occupies therefore, the position of being the adviser and solicitor, the person who aided, who told them how the thing might be carried out, who advises Wilkinson how far he might go. According to his own admission, Wilkinson, one of the heads of the offending, consulted him from time to time ; and he says, I could not tell you more about it, because I have got my information from this man who was virtually my co-conspirator. But we find by his own evidence on page u 28, that he is really in the strange position of acting for both sides according to his own admission, so that there must have been a pretty good understanding—the two sides must have been at one before he would admit acting in this capacity. All through, he says he was advising Mr. Wilkinson, but when Mr. McKim comes in with regard to this same matter, he acts for him. Surely, therefore, the inference is obvious, that there was a perfect understanding between them, that Meek knew everything about it, that McKim's oath is correct, that he had the agreement prepared, and McKim only came in to assent to it.

Q. "You think the vote on the Timber Policy was either mentioned in the agreement or spoken of by McKim at the time?

A. "He spoke of the matter to me, I did not say it to him, other than getting the instruction ; when he says in his evidence, they did this, they did that, and they did the other, it is entirely untrue, so far as I am concerned, because I did nothing of the kind. I simply regarded myself in the position of a solicitor, and heard what he had to say and it may have been right, and it may have been wrong."

Now, with regard to matter of this kind, I repeat that no Solicitor could act on the two sides, unless they were at one, and therefore it must have been that this Solicitor only acting as a solicitor, as he says, only acted because he knew the minds of both persons and knew their minds to be at one.

Mr. Meek.—I didn't say that. I said I knew nothing of the matter until that day, and that afterwards—

Mr. Blake.—That is not the evidence ; and that is not the way it will read, for of course, the Commissioners will read it as we have it here, and that it is not qualified in that way.

Mr. Meek.—Well, that is exactly the way I gave it.

Mr. Blake.—Then it is very strange that in a letter which Mr. Meek says he dictated, which he saw afterwards and never corrected, he stated that "Mr. Wilkinson was never at my office with the said McKim at any time." That is a plain and distinct statement, given on the 21st March—a short time afterwards. To show what was in his mind, that he was endeavouring to sever himself as far as possible from him, he adds :— "I may further state that I have never in my life spoken to or had any communication with Mr. Kirkland, and never saw him until after his arrest." He says that Mr. McKim came in and gave him instructions as to a particular agreement, and in order to dissever himself from Wilkinson he says: "Mr. Wilkinson was never at my office with the said McKim at any time."

Now, when we see, therefore, the circumstances surrounding this visit, the distinct statements which are made by Mr. McKim, Dr. Cascaden and Mr. Lyon, we get a distinct case as clearly proved as it is possible for any case to be ; and when we get the evidence of Mr. Meek himself, instead of its bettering his case, he admits the fact of his knowledge, the fact of his advice ; he admits the fact of his participation, and that he has been actively engaged in furthering this conspiracy; so that, as to him, I also submit that there can be but the one conclusion on the part of the Commissioners—that he was guilty of distinct offers to Dr. Cascaden, a distinct offer in his office to Mr. McKim, a distinct offer to Mr. Lyon, and that that was with a perfect knowledge of what was being done by the other persons in this conspiracy. Then, the third one that I deal with is Mr. Kirkland. He has gotten, it is true, a certificate of character from his solicitor and counsel, and he is a very good man, it is said, according to the views of people in the United States. However, all that the Commissioners have to do in this matter is to judge him according to the evidence that is here; and I am afraid that, being weighed in the balance of the Commissioners, he will be found very sadly wanting. I submit, in regard to him that there was a distinct approach to the members, made, perhaps, in a loose way, but still a distinct approach made in the early part of the session. I dare say it is very probable that it was only based on his own interests, and to serve his selfish ends. I think there is no doubt that he was prepared to and did offer money for the purpose of obtaining what he desired. I admit that it was not until later on in the session that, finding distinctly that the Government had a defined policy in this matter, and that they were determined not to alter that policy, then he put his head along with the other members of the conspiracy, and they said: We can effectuate this by these means. You want the Timber policy altered; that is one of the weak points of the Government; we can get various members to vote against them, and, therefore, if you will join hands with us, do so, and we will make a final attempt when they go into Supply to defeat them; and from that time onwards he became one of the most active participators in this plot. That, also, I submit is true to a demonstration. We have first, the evidence on pages 20 and 21, Mr. McKim's evidence:—

Q. "Who was the American?

A. "Mr. Kirkland. I had seen him in the meantime.

Q. "He had called upon you in the meantime?

A. "Yes, several times.

Q. "Was that before or after this scare?

A. "Before," and so on.

Then at page 21:—

Q. "Did Kirkland at any time make you any offer?

A. "Yes; he wanted me then to go in with them and vote with them. I said it was worth a couple of thousand dollars. 'Yes,' he said, 'and I will give you another thousand on top of it, if you go in with us.'

Q. "When you speak of voting, did he say to vote with whom?

A. "On the Timber policy.

Q. "To vote on the Timber policy with the Opposition?

A. "Yes."

Then on page 23:—

Q. "Had Wilkinson left?

A. "He left the room immediatiately after he introduced me. I was going out, and he was trying to persuade me to go into his way of it. I refused to do it and left, and on going to the door I met Wilkinson and Dr. Dowling at the door; then I saw the American after this, and he expressed his sorrow that we had disagreed—Wilkinson and myself—that we had parted he said, 'Now, will you take $750?'"

So we find him there a go-between in that instance, expressing his regret that the offer had been refused, asking whether he would not take $750, and again taking Wilkinson back to McKim to renew the negotiations. That is at page 24.

The CHAIRMAN.—What time was that?

Mr. BLAKE.—No doubt in the week of the 17th of March. Then at page 27:—

Q. "Was Mr. Kirkland present on any of the occasions that you saw Lyon?

A. "I think Mr. Kirkland was; yes, he was sometime.

Q. "Was Kirkland present on any occasion that you were with Lyon?

A. "I cannot speak definitely on that, but he was about."

Then on page 28:—

Q. "After you and Kirkland meeting, after this $1,500 had been offered to you in the way of a bet, you say you met Kirkland, you conversed with him, and he said he was sorry that you did not accept this offer?

A. "Yes; he asked me then would I take $750, then I told him I would not."

Further on, on the same page:—

"Up to that time and then afterwards I was in my room, and one of the bell boys came up and said Mr. Kirkland wished to see me, and I went down to the reading room, to the office, and he said he wished to have half an hour's private conversation in my room or somewhere else, so we went up to my room; it was then we talked over this Timber policy, and about the Commissioner of Crown Lands refusing to grant him what he wanted."

Then at page 32:

Q. "From that offer of Mr. Kirkland's, do you think that he actually intended to pay you money?

A. "Well, he appeared as if he did, because he told us that he had the money coming, he expected it, that he had written for it, and that he expected his partner coming."

Then, that he knew that this was not merely a matter in which he could honestly engage either in the United States or here, he says:

Q. "You must not go so far?

A. "If you want to go by my belief, that was my belief, that he was working with the Opposition, and at that particular time that he found he could do nothing with Mr. Pardee; that it was his object then to get the timber by some means and to work with the Opposition, as he represented to me that they had promised to bring the matter up in the House.

Q. "So long as you go that far, you are not going out of the way at all; Mr. Meredith was to bring up his resolution, and a motion was to be made upon it, and he urged you to support that motion?

A. "Yes, he did.

Q. "To that extent he would be working with the Opposition, but when it came to a vote of want of confidence, it would be an entirely different thing?

A. "I think he understood it was a vote of want of confidence; he told me on one occasion that he knew it was dangerous work, that it would be penitentiary if it was found out; he told me that before he made this offer.

Q. "That it would be penitentiary if it was found out?

A. "Yes.

Q "What he was doing?

A. "Yes; he was making offers; he would have to be careful he said; he knew the consequence; he named penitentiary to me.

Q. "He said it would be penitentiary if it was found out?

A. "Yes, he did."

Then at pages 51 and 52:—

Q. "Then did Mr. Kirklaad put the matter to you in any other way?

A. "He did not.

Q. "Or make any offer to you?

A. "He did not.

Q. "Directly or indirectly?

A. "Not until after he had told me that he had seen a number of members of the House—he did not tell me who they were—and said that they were going to vote for his policy. I used rather strong language with regard to men who would take a course of that kind, and he said: 'well, I will bet you $10,000 you daren't vote against the Government.'

Q. "Did he then understand this as simply being a vote against the timber policy, as opposed to a vote against the Government, or that it covered a vote against the Government?

A. "That is the remark he made; I said to him, 'If you continue this course, the probabilities are you will find yourself in the penitentiary'; he said he was only joking."

That is Mr. Awrey's evidence. It is a very remarkable thing that immediately after this carouse which took place on the Friday in the Rossin House, when they were up till two o'clock in the morning, when Bunting and company were present—it was immediately after that that Mr. Kirkland seems to have gone in, body and bones, with the other members.

Mr. Awrey refers to that on page 52:—

Q. "Did you ever see Mr. Kirkland with Mr. Bunting?

A. "I never saw him with Mr. Bunting.

Q. "Or overhear him with Mr. Bunting?

A. "I heard him and Mr. Bunting in a room next to mine.

Q. "About what time was that?

A. "Two o'clock in the morning, after the House had risen.

Q. "Whom did you hear with Mr. Bunting?

A. "Mr. Bunting and Mr. Kirkland; I could distinguish their voices."

Then also at page 53:

"Kirkland told me also at this time that he was giving me his confidence; it was voluntarily, too; I never sought it—that Mr. Bunting had assured him that the protest would be withdrawn against Mr. Lyon's election; he is the only man whose name he mentioned, and that the documents were all in a safe in the *Mail* building, and that he had seen them."

Then at page 73, Mr. Balfour's evidence:

Q. "Did either of these gentlemen see you in connection with your vote or interest?

A. "Mr. Kirkland saw me; I met him some time during the early part of February; I think that was the first time, though he had been pointed out to me.

Q. "When was your first particular interview with Kirkland?

A. "The first particular interview I had with him was on Tuesday, the 11th of March."

Then we find at page 75:

Q. "Did he ask you what you should do as to that amendment?

A. "He finally did ask me to vote for the amendment and against the Government; his request was conveyed in this way—that there were other parties who wanted to know what I would take and vote against the Government."

We find that he got gradually up from wanting a certain policy, wanting it from the Government, wanting it from the Opposition, and finally to voting against the Government for the purpose of carrying it. At page 80:

"If he could get it changed through the Government supporters it would be all right, but if not through them, then he wanted it through the Opposition; he said these parties wanted to know what I wanted."

Q. "His first proposition was that he was trying to get what he wanted through the Government, and his next was that he would get it through the defeat of the Government?

A. "Yes.

Q. "He seemed to have failed to get it from the Government?

A. "Yes, he said Pardee had refused all approaches, and had almost ordered him out of the office.

Q. "When was the first day you found he was working in with the others?

A. "I rather suspected it before this from seeing him with these other parties, but this was the first time I had any real intimation from himself.

Q. "This was on Saturday?

A. "Yes, he told me he had had an interview at a room there with Wilkinson and Bunting and others; that they had met him and talked the thing over."

That is the interview to which I have referred, and it is from that period we find that there was no doubt whatever that Kirkland was perfectly willing to come in; that he made offers and made them to effect his object by defeating the Government. Then also we get at page 89 Mr. Balfour's evidence:

Q. "You say on the 15th you had an interview again with Kirkland?

A. "That is the Saturday, yes.

Q. "He referred to the interview he had had with Bunting, Wilkinson and others?

A. "Yes.

Q. "You took that to be on the night of the Friday?

A. "Yes, he said it was after midnight.

Q. "What proposal did he make on that occasion about money?

A. "He said they wanted to know what I wanted, referring to Wilkinson and others.

Q. "Did he himself say he wanted to know?

A. "He had already made me a proposition before—the one with reference to a thousand dollars or twelve hundred dollars.

Q. "But that was not to your vote?

A. "This time they wanted to know, he said, what I wanted to vote against the Government."

And at page 102, the same; and at page 103, we find that he begins to get on actively, for he sees Mr. Graham, and asks him if he will not vote, that he will at all events make a speech. The same at page 106. Then, at page 180, we have the offer to Mr. Gibson as payment for his address; and at page 204 he goes to Mr. Dowling, and speaks to him about withdrawing the proceedings against him. Also, pages 206 to 210. At page 267 he induces or seeks to induce Mr. Lyon to vote want of confidence; and what is most convincing, if there were need for anything more convincing, at page 269 Kirkland brings in the round robin and asks him to sign it. So that, whatever he may have been at first, they had managed by the 15th of March to utterly contaminate him, and make him as vile as they were themselves; there is no question of that, for at that time he is the subservient tool of these men. So, also, at pages 275 and 289. I submit, therefore, that so far as that gentleman is concerned, there can be no doubt whatever that he did make these offers of money; that he did enter into arrangements as to the withdrawal of the election petition; that he did obtain signature of the round robin; that he did join in this conspiracy as distinctly as any one of the others in the latter portions of it, and became one of its principal movers. I will afterwards give your Lordships the place where the letter is to be found as to the fact that he had the money, was procuring the money, and that it was not an idle offer to be joked away, but that he was prepared to make his word good by the production of the money. Then Mr. Bunting comes on the stage, also at an early period—page 16. Wilkinson had arranged a meeting with Mr. McKim, and in pursuance of that he went to the building:—

"He was on the upper flight above the room when I got there, and there was some party in the room off Mr. Bunting's, writing. I asked for Mr. Bunting, and he said he had gone upstairs and would soon be down. Then this gentleman went to the tube and called him."

Then, also, we find that the whole plot is at his fingers' ends; he commences to talk about the defeat of the Government and the forming of the coalition:—

Q. "Was it suggested by Mr. Bunting in what way the change was to be brought about?

A. "He wanted to have a coalition formed; that there was nothing wrong about Mr. Meredith seeing one or two members supporting the Government in order to get the coalition formed, and, if he was in Mr. Meredith's place, if he could not see them in any other way, he would invite them out to dine with him, and would approach them in that way; and we talked about the men he could get from the Government side."

And so on, it proceeds on the whole of page 17. He pledges his word that he will carry out all that has been stated to McKim by Wilkinson or Meek, showing therein a perfect knowledge of all that had been going on in the meantime, and that all these actions were pre-concerted and pre-arranged. Then again at page 18:—

Q. "Was anything further said by Mr. Bunting as to Mr. Lyon than what you have mentioned?

A. "Yes, a good deal. We had two hours' conversation. We were an hour talking coalition before we commenced business, and then we talked another hour or so.

Q. "Up to that point do you recollect whether any vote had been taken on the Address?

A. "I think not. I am not sure, but I think not. He gave me to understand that they were delaying the vote on the Address, and that was one reason why they were hurrying up the matter."

I think that is apparent without any distinct evidence, but there is the distinct evidence. Then at page 22:—

Q. "Who did?

A. "Mr. Bunting and myself, and talked the whole matter over again of the coalition, and he renewed the promises as to pledging his honour and his word that everything would be carried out.

Q. "Did you go into the particulars of the offer, that is to say, as to the $1,500 and the $500?

A. "Yes, and spoke of the American's offer, and he said he would help me to get all I could out of the American."

Then at pages 26 and 27:—

Q. "Do you know whether anybody else had been down to Ottawa with Mr. Wilkinson and Mr. Meredith?

A. "Mr. Bunting told me he was down.

Q. "These three had been down in the meantime—anybody else?

A. "I do not remember, but Mr. Bunting told me himself he was down and that that they asked him—some members of the Dominion Government—why they hadn't this Government defeated. He said that they had not the power, and they said they would give them the power, and I did not understand exactly what he meant, but that they would give him the power and he was now prepared to go on. He told me that on the street.

Q. "Mr. Bunting?

A. "Yes.

Q. "That they had not the power, and they had gone down to get the power, and they were going on to carry it out?

A. "Yes.

Q. "It was after that you received the money?

A. "It was after that I received the money."

Mr. Awrey's evidence, at page 52, connects the different stages of Mr. Bunting's dealing with the matter. At page 114 also, we have a plain endeavour of Mr. Bunting to take up Dr. Cascaden, and the mode in which the approach was made is very like that described by Dr. McMahon.

Then at page 131, we have the interview with Goldie:—

Q. "Well, what was your interview with Mr. Bunting—had you said anything to Mr. Wilkinson about it on the evening before?

A. "I don't remember saying anything to him about it; yes, I told him I was going to see Mr. Bunting before I left the city.

Q. "Then you had given Mr. Wilkinson to understand that there was no use trying to influence Mr. Laidlaw that the thing could not be done?

A. "Yes, sir.

Q. "That must be given up; that he could not be one of those that could be gotten over to support the Opposition?

A. "Yes.

Q. "That you had given him to understand?

A. "Yes.

Q. "Then you said that you would see Mr. Bunting.

A. "Yes.

Q. "Was it at your suggestion, or at the request of Mr. Wilkinson?

A. "I think it was my own; I can remember my own opinion, my own desire.

Q. "Was it about this matter?

A. "Yes, one thing I wanted to see him about that, and another thing about another matter.

Q. "Then you did go and see him about half-past ten on Tuesday morning?

A. "Wednesday morning.

Q. "What did you then say?

A. "We talked in general terms.

Q. "Did you speak about Mr. Wilkinson?

A. "Yes.

Q. "What did you tell him about Mr. Wilkinson?

A. "I had only seen Mr. Wilkinson on the Saturday before, and I did not like his proposition, and I did not care for his reputation.

Q. "You had seen him on the Tuesday?

A. "On the Tuesday. I only first saw him on the Saturday night before; I did not care for him and I did not want to have anything to do with him; I told Mr. Bunting that.

Q. "Was it before you told him that, that you told him what Wilkinson came up to Guelph about?

A. "I don't know whether I told him before or afterwards.

Q. "You did tell him in this conversation?

A. "I did, I talked freely about it.

Q. "And what passed between Mr. Wilkinson and you, was that or was it not told to Mr. Bunting?

A. "Yes.

Q. "And you told him that you did not like the office of go-between; you did not care for Mr. Wilkinson's reputation; and what did Mr. Bunting say about Mr. Laidlaw in the matter?

A. "He spoke in the highest terms of Mr. Laidlaw—said that it was all nonsense for me to go and see a man like Mr. Laidlaw.

Q. "That it would be impossible to move him?

A. "He believed so; he advised me to stay at home.

Q. "Had you some further conversation with Mr. Bunting; did he express any view upon the probability of the five or six people working in the way that Mr. Wilkinson had indicated; you had mentioned that to him; what did he say upon that?

A. He had no idea; the vote the night before had overwhelmed him, and he had no idea of it; those are not his words.

Q. "Give the words?

A. "I could not; he said it was no use.

Q "Did he consider himself overwhelmed?

A. "Well, he felt indignant; there was one vote that he expected to get that he did not get, that was Mr. Hart."

I ask that that be noted by your Lordships, because that was one of the names which which was bandied about by these men as a vote which would be taken by the Opposition. At page 179 we have the insidious approach to Mr. Gibson, and the talk about the advantage of a coalition. At page 201 we have him receiving Dr. Dowling from the hands of Wilkinson, who seems to have undertaken to bring them up to a certain point and then to hand them over for further manipulation. I ask the Commissioners to read that evidence, just to show the steps which were taken in the beginning in the hope of sowing the seeds of dissatisfaction: You are a young man; have they looked after your election expenses; we deal differently with our young men; Mr. Fauquier's case was taken up to the Appeal Court without his being allowed to pay a cent of expense; are you not dissatisfied with people who treat you in that way; cannot you show your dissatisfaction by endeavouring to oust the people who have thus treated you? So it goes on, page 201, and the following pages. If you read the conversation with Dr. McMahon, you will find from that that what Bunting presented was a list of the names known to these others—known to Kirkland, to Wilkinson and to Meek—the very names of those upon whom they were operating. So that I submit we have, so far as the fourth conspirator is concerned, distinct proof of a full knowledge of what was being done; that he was the medium to spur up Kirkland on the Friday night to be more active; that he was the person that reiterated and renewed all the promises that were made by Wilkinson and the others; that he was in fact a principal in the plot which was being hatched. Then, we come lastly to the fifth, Stimson. Now, he was introduced to McKim by Wilkinson, and we have it, at page, 107, that he tried the old-fashioned betting dodge, but it does not succeed very well. We have the fact that he has from eight to ten thousand dollars of Dominion bills, that he gets these notes changed, and that, at page 202, he was to be the means employed to manipulate Dr. Dowling—he asks, "have you been speaking to Wilkinson?" and then he proceeds with his message. So that there is no question of his actual co-operation. of his procuring the money and handing a portion of it over, and dealing with it at the instigation and acting with Messrs. Wilkinson and

Kirkland in this matter. There can be no question as to that. Then, it is to be observed that so far as all these statements are concerned, there has been no denial from first to last, no contradiction, and no alteration of the position in which I say these five have placed themselves They stand there as they did at first, for I trust I have convinced the Commissioners that there is no contradiction of the statement in the evidence of Meek. He has virtually corroborated the statements which have been made in regard to the salient points of the case. Now, I ask, going over each one of these, can it be doubted that Wilkinson corruptly offered McKim office and money in order to induce him to change his vote and vote against the Government, and that he was actually paid this sum of $1,000. I submit that on that there can be but the one finding. I submit that it is equally clear as to Mr. Balfour; equally clear that Dr. Dowling was offered to have the protest withdrawn, and also a payment of two or three thousand dollars; equally clear that a distinct offer was made to Mr. Lyon for the withdrawing of his petition. Now, I submit also that we have clearly established the active participation of Mr. Meek in the preparation of the agreement to carry out this arrangement that had been made by Wilkinson with McKim; that he aided in the carrying out of that portion of the plot; that it is equally clear that Meek made a distinct offer to Dr. Cascaden of the registrarship at Regina and a sum of three or four thousand dollars, to act as he had asked McKim to act, and that he offered to Lyon to withdraw his petition if he would also act in the same way. It is equally clear that Kirkland offered McKim a further sum of one thousand dollars; that he opened fresh negotiations with McKim when they had been virtually closed, and that the price was, of course, McKim's voting against the Government; that after this meeting, on the Friday evening, he certainly was aroused to the necessity of dispossessing the Government as strongly as anyone else, and we find that he actually avowed that to be necessary, and went in for turning out the Government. It is also to be observed, with regard to this meeting, that it was getting near the Monday, that it was absolutely necessary to have the vote taken shortly, and absolutely necessary to hurry matters up if there was to be any result; and I believe that on the Friday evening these matters were all presented to the little knot gathered in Kirkland's room, and that during the Saturday, Sunday and Monday the active efforts of the party were directed to that purpose. Mr. Balfour was to get something substantial if he would speak; and the Commissioners will see what the effect of this would be. He would get up and speak, and other persons would naturally infer that he was going to vote as he spoke, and if they could only get four or five of the known friends of the Government to speak against the policy of the Government, it would be taken for granted that they were going to vote as they had spoken; and the weak ones would say, the Government is going to be defeated; and in this way such speeches were going to do as much as, if not more than the votes, to accomplish the objects of these men, because they would know what the speeches were at once, and they could not tell what the votes would be until they were actually numbered. It is perfectly plain, therefore, that the offer which was made was one of design; that it was made with due consideration and for the purpose of affecting really more perhaps than if there had been a silent vote, because that would have been a disturbing element introduced hours before a vote might be taken. Then we find that Mr. Gibson was also offered payment for his speech, just on the same principle. To Dowling the offer was made of withdrawing proceedings, and he also made approaches to Lyon and brought him a round robin; so that Kirkland seems to have gone, body and bones, over to the conspirators, and finally to have touched more than any of the others. Then we find that Bunting on two occasions went over the whole of the matters in detail with Mr. McKim; that he pledged what he is pleased to call his word to the fulfilment of all that had been stated by these persons; so that we have in this evidence, first, the distinct offer which he then made, and secondly, the intimate knowledge and acquaintanceship that he displayed with what had been done—for he could go over it all and knew perfectly well all that they were discussing. Then there is the promise as to Mr. Lyon's election petition. It is said you can get his word pledged to that, and he is to be the person to enter into the agreement, which agreement, I submit to this Commission, was not carried out for the reason I have defined—the reason given by Mr. Goldie, that Bunting was so disgusted with the vote on the 6th that the thing was dropped as being a matter they could not carry out, until the time they saw the timber question looming up and that became the plank on which they sought to rest. Then also we find the approaching of Cascaden, the approaching of Gibson, the corrupt offers made to Dowling, and the approaching of McMahon; so that he was one of the busiest amongst them, reiterating promises, inciting to dissatisfaction, urging the withdrawal of the election petitions, and pledging his word that these things would be carried out. Then as to Stimson, there is no doubt that he procured this money, not for his own purposes nor his own use; that it was money to be used in this way, that he did try a portion of the money in the betting with McKim, and that he was employed to manipulate and did proceed to manipulate Dowling; that the means to be used were these notes, and Wilkinson states distinctly: "we have now got the money," describing the means whereby he got it. Then I submit further that the statement which was made to Mr. Awrey, shows how reasonable it was that these parties should have allowed the matter to go the length that they did, being convinced that the whole thing could be treated as a joke, unless it was allowed to go on as they did permit it to go on. These are not the acts of these men as individuals, and I submit therefore that there is clear evidence that there was a conspiracy. Suppose we test it in the way in which Mr. Russell and Mr. Wright say it is reasonable to do. What do we find? We certainly find on the part of these persons a common object, and that is looked upon as one of the matters in a conspiracy. We find a common interest, a common attack, which is also one of the matters. We find also the same men attacking and the same means used. We find the handing of the men over from the one to the other, so as to prevent an intimate knowledge of all the dealings by the persons that were co-operating together; the knowledge besides which the one evinced of what the other was doing; the positive statement made that what the one promised or guaranteed, the other would carry out, and then the admissions which have been made by each, of a knowledge of what the objects of the others were. Then as a general matter in addition to this, we find that Wilkinson and Bunting say they are going to use the Yankee; that Wilkinson gets a letter from Ottawa to do his part; that Wilkinson and Bunting go to Ottawa, and on their return they say they now have the means, and the money is produced and handed over shortly afterwards. Then I say that in addition to the verbal testimony, we have the irrefragable evidence furnished by the actual production of money; I say that that evidence is not necessary to have, for it is not necessary that there should be anything in the shape of corroboration: I say there is sufficient corroboration in the verbal testimony itself—there can be no doubt about that; but in addition to all this we have the irrefragable evidence of the production of the money—the Dominion notes. We have the irrefragable evidence also furnished by the production of the round-robin, signed by two of the persons and obtained from Wilkinson, who was not treated otherwise than in a manner in which men are generally treated by having such things taken by the officer who arrests them in order to investigate what evidence there might be. We have this piece of evidence which the Commissioners will see does not stand isolated by itself but shows the basis of operation upon which these men were working, and is as it were a thread running through the whole testimony (reads Exhibit "L") Then we have also the letter of Sir David Macpherson in regard to this office in the North-West, marked private, and which, however it was intended to be used, was used by Wilkinson to forward the object he had in view (Exhibit read.) We have also the letter of Thomas Marks, which was put in (Exhibit read.) And the letter to F. S. Kirkland from R. G. Peters, corroborating the statement that there were promises made by him and that this man was preparing to get the money if it was absolutely necessary it should be used. (Exhibit read.) In addition to these we have Goldie's letter of the 12th of February. (Exhibit read.) So that we have here what I call irrefragable evidence in the shape of these documents produced which show the statements of these persons to be correct. I should have mentioned also the letter to F. S. Kirkland from Peters, dated December the 28th, (Exhibit read,) showing that if he was joking, he did his best to convince these people that he was in earnest. I ask your Lordships to look at pages 18 to 24, where you will find that it was stated that the vote must be taken on Monday, and therefore that it was absolutely necessary to close the matter. Also pages 49, 51 and 52; also pages 258 and 260, on the delaying and not moving. I think I also gave you pages 80 and 82—this evidence showing that the vote was near, that the matter must be pressed and that in reality the vote was kept open while these manipulations were going on. I also direct your attention to the very unaccountable evidence of Mr. McCallum, who was brought on the scene and who told Mr. Harcourt that he would have his election by acclamation in case he entered into the coalition. Then there is the evidence of Mr. Sills, page 188, of Mr. Caldwell, 194, of Mr. Ferris, 237. A good deal of communication was conducted by telegraphic message, and these telegrams were destroyed, and certainly not destroyed by the request of any of those interested in prosecuting this inquiry. Now, all that I submit to the Commission as showing that it was an artful attack made on those who were thought to be the weakest; that it was very artfully presented in each case. You are suffering from reverses, we will give you office and money; your seat is doubtful, we will withdraw the petition and give you money and place, and in order not to make the dose too bitter, when we have defeated the Government, instead of there being a Conservative Administration, we will have a Coalition, which is fair between man and man. The approaches were made by men who were willing to do the deed. Some of the persons engaged in the manipulations were prominent in the same class of work at elections. We find that Wilkinson had still dangling before him the promised office, and that he is therefore a prospective office holder, and an employee and a stump orator. Mr. Meek is the party's Solicitor, is also prominent as a stump orator, and is the prospective holder of the solicitorship of this Company and has besides very tender reminiscences of the rewards for offices performed, for he made a good deal of that point in his conversation with Dr. Cascaden. Then we have Mr. Bunting, the editor of the paper, the concoctor-general, who was endeavouring to do the respectable in the matter, but who failed most emphatically to do so. Then we have Stimson, whose ominous name of Lynch almost convicts him; we have Kirkland, over whose sad fate my learned friend, Mr. Caswell, almost wept—Mr. Kirkland, who is to be made the scapegoat. Of course it might be curious to inquire about the means with which all these things were to be done, but with that the Commissioners have nothing to do. It was not likely that that would be discovered. In these matters it ordinarily happens that the coarser villain is put forward with the duty assigned him of carrying the matter out, while the sleeker one looks on at a distance, who holds in one hand the reward to be given, and in the other the advantages to be obtained, both hands being ready at the same moment in case of detection to be raised in holy horror and in thankfulness that he has nothing to do with such attempts and plots. It generally happens that the sleeker hypocrite keeps himself so far in the background as to escape detection; but so far as these five men are concerned that have been brought within the purview of this inquiry, I say that their guilt has been brought home to them, and that it is not merely an isolated act, but they join together; they were banded for the purpose of carrying out this nefarious project; I say that they are wicked men, caught in their wickedness, and that whatever the result of this inquiry may be, I certainly trust that the finding will be of such a kind that it will in the future prevent anything of the sort being attempted again, and will cause such ignominy to be attached to these persons that in this they will reap the just reward of their evil deeds.

Mr. Caswell.—My learned friend has spoken of Mr. Meek as the confidential adviser of the conspirators. I presume he does not refer to Mr. Kirkland in that connection.

Mr. Blake.—If I said that, it was a misapprehension—I did not mean that.

Mr. Caswell.—He said further that they had a common scheme, but I think he will admit that there is nothing to show that Kirkland had that.

Mr. Blake.—I cannot say that, for you will remember that he had the round robin and asked them to sign it, and one of the objects of the round robin was the Coalition. There is one matter which I had intended to refer to but which I omitted. I intended to say a word upon the matter of the credit of Mr. McKim and Dr. Cascaden. I do not know that it is necessary for me to say much upon that, because it has not in reality been pressed before the Commission that they have been discredited. Ss far as Dr. Cascaden is concerned, we find that there were five persons who spoke about his character, and of these we find that three are about as strongly prejudiced against him as you could possibly find. I understand that one of the very first things to be done in the discrediting of a witness, is to get a person to whom you can trace no motive for doing anything than speaking correctly as to the character. Take Duncan Sinclair. He tells the Commissioners distinctly that he is a person who does not speak to Cascaden. Take Mr. Price. We have this very useful illustration of what was found by the late Chancellor of this court, in the case of Watson and Lee, reported in 10 Grant. The Chancellor claimed to a finding on the basis of a disbelief of Mr. Sexton, one of the witnesses, who was discredited by six persons. They went further and investigated into the evidence upon which he was discredited, and although the case is not reported, the Commissioners will find that the late Chancellor completely withdrew what was stated with regard to Sexton, and found that one person in Chatham had started a story about Sexton, which was believed by these five or six others, and they were examined at a further stage, when the reason for the discrediting was assigned, and the Chancellor found Sexton worthy of credit. Mr. Price was one of the witnesses in the Edgecomb case, and he came to the conclusion that Dr. Cascaden was not worthy of credit because at this trial he (Price) had concluded that a certain paper was signed or was not signed by a person when Dr. Cascaden took the opposite view. He bases his conclusion on that, and of course that evidence goes for nothing, and we find the same thing all through the list until we come down to McLaughlan, who will not believe Dr. Cascaden, because he was guilty of something in connection with professional etiquette, he says. Down to 1880 nothing was said about his character—it was only when he began to run for member that anything was said against him. Dr. Van Buskirk says that he could trace everything said either to the unfortunate family differences which have arisen or else to political matters. And when you ask for a general opinion in the neighbourhood in which he lives, eleven men go into the box and say: I happened to be in the Court-house to-day, and until to-day I never heard one word said against the veracity of Dr. Cascaden. And what I have said with regard to Dr. Cascaden I repeat with regard to Mr. McKim. Thirteen witnesses were examined for him, and two of the five examined against him say that they would believe him. What the other witnesses say is that there never was anything said against him of those, called by some frivolous, stories until he got into difficulties, and some of the persons who had been in the difficulty with him made statements about him, and two of these were persons who lost money by him. Notwithstanding that we have this large number of witnesses, some Reformers and some Conservatives, who have gone into the box and have said they would credit him on oath. It is right also to say with regard to this question of discrediting witnesses that it has either one effect or the other ; if you fail in discrediting it certainly throws more or less discredit on the person who attempts to discredit. I don't know that Mr. McKim and Dr. Cascaden have anything to do in regard to this branch of the inquiry, except to be very thankful for it, for they have passed through the fires of some 67 or 68 witnesses whose names were given to the Commissioners, and we find that as to one only some four or five speaking hesitatingly, speaking not definitely, who would doubt his statement, and as to the other only three, and there is a great preponderance of evidence tracing their testimony to vindictivness or hostility, or to reasons which are absurd, thus showiug conclusively that both these gentlemen are persons completely worthy of credit. I say, therefore, that there is no reason why these persons' statements should not be taken, and that, indeed, the inherent truth of the case is displayed by facts and circumstances quite independently of whether absolute credence should be given them or not.

The Chairman.—I think the taking of evidence in this matter is closed.

The Commission then rose.

# REPORT OF THE COMMISSIONERS.

## IN THE MATTER OF AN INQUIRY INTO CERTAIN ALLEGED ATTEMPTS TO CORRUPT AND BRIBE CERTAIN MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO.

Toronto, 10th Jan., 1885.

To the Honourable A. S. Hardy,
*Provincial Secretary of Ontario.*

Sir,—I have the honour to transmit herewith the report of the Commissioners appointed to inquire into and investigate certain charges of bribery and conspiracy by a Commission dated the 12th day of May last, and also the evidence and documents taken and used before the Commissioners.

I have also the honour to transmit a memorandum made by His Honour Judge Scott, containing his reasons for declining to give an opinion or finding as to offences proved. He did not desire this memorandum to form part of the report, but wished it to be transmitted with the other papers, to be produced if called for.

I have the honour to be, Sir,
Your obedient, humble servant,

W. PROUDFOOT,
Chairman.

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To His Honour John Beverley Robinson, Lieutenant-Governor of the Province of Ontario:—

May It Please Your Honour.—The undersigned Commissioners appointed by Royal Commission, addressed to them under the Great Seal of Ontario, bearing date the Twelfth day of May, 1884, have the honour to report:—

1. That they met at Toronto on the 5th day of June last, for the purpose of making preparations for the discharge of the duties imposed upon them by the Commission.

2. The course of proceedings was then settled, and it was decided to hold a preliminary meeting on the 14th day of June last, to read the Commission, and to announce the time for proceeding with the inquiry, and to give directions as to the mode of procedure.

3. Notice of this preliminary meeting was published in the *Globe* and the ***Mail*** newspapers, and continued till the 14th day of June last. A copy of the notice is transmitted herewith.

4. The Commissioners met on the 14th day of June last, and after the Commission was read they appointed the 14th day of July last for entering upon the examination of witnesses, and to be continued from day to day till the inquiry should be finished.

The evidence was directed to be taken by the stenographers in the ordinary mode practised in the Superior Courts.

The names of all witnesses then known to the parties interested to be left with the Clerk on or before the 4th day of July. If it were found necessary to examine other witnesses during the progress of the inquiry, their names were to be left with the Clerk two days before they were examined. But the necessity for examining these other witnesses was to be shown to the satisfaction of the Commissioners, it being their intention that all witnesses then known to the persons interested should be named on or before the 4th day of July.

5. Notice of the meeting on the 14th day of July appeared in the *Globe* newspaper on the 17th day of June, and in the *Mail* newspaper on the 16th day of June, and thence forward on alternate days in these newspapers till the day of meeting. A copy of the notice is transmitted herewith.

A copy of the notice of the meeting of the 14th day of June was served upon, and service accepted by Messrs. Foster, Clark and Bowes, by and on behalf of Christopher W. Bunting as his solicitors, on the 7th day of June, and ineffectual endeavours were made to serve it on John A. Wilkinson.

A copy of the notice of the meeting of the 14th day of July, addressed to William A. Foster, solicitor for C. W. Bunting, was served on W. A. Foster, Esq., who had been solicitor for Christopher W. Bunting in the criminal proceedings on the 18th day of June, and endeavours were made to serve C. W. Bunting in London, England, where it was understood he then was, but without success, and registered letters enclosing copies of that notice were put in the postoffice addressed to C. W. Bunting, Toronto, and to J. A. Wilkinson, Cobourg, respectively, on the 20th day of June.

Copies of this notice were also served on Mr. Edward Meek, and on Mr. Caswell, solicitor for Mr. Kirkland.

A copy of this notice, addressed to John A. Wilkinson, was also served on the 18th day of June, on Daniel McMichael, Esq., Q. C., who had acted as counsel for John A. Wilkinson in the criminal proceedings against him before the Police Magistrate, and at the last Spring Assizes for the City of Toronto.

Efforts were also made to serve this notice upon John A. Wilkinson at his residence, when it was found that he had left the Province for the North-West Territories.

Efforts were also made to serve him at Winnipeg, in Manitoba, and at Calgary, and in the neighborhood of Fort McLeod, in the North-West Territories, at all of which places he was reported to have been seen, but these were unsuccessful until the 17th day of July, when he was served with the notice at Winnipeg. This was the day before the Commission adjourned till the 1st day of September.

6. Every reasonable endeavour was made to serve this notice on John A. Wilkinson and Frederick Stimson, but without effect, save as just mentioned with regard to John A. Wilkinson. The affidavits relating to this are transmitted herewith. Christopher W. Bunting was served on the first day of August with a subpœna to attend the adjourned meeting of the Commissioners on the first day of September.

7. The conduct of the inquiry was committed by the Attorney-General to S. H. Blake, Esq., Q. C., James Bethune, Esq., Q. C., and William Johnston, Esq., barrister.

8. Lists of witnesses were left with the Clerk on behalf of the prosecution, and on behalf of Messrs. Meek and Kirkland on the 4th day of July, and further lists were from time to time left with the Clerk during the prosecution of the enquiry. Many of these were not examined, and the Commissioners will give, further on, the names only of those who were examined.

9. Mr. Meek, while giving the list of his witnesses, protested against the validity and constutionality of the appointment of the Commission, and against the validity and constitutionality of the Acts of the Legislative Assembly of Ontario, under which the Commission is constituted, and upon several other grounds; a copy of his protest is transmitted herewith.

10. A protest, dated the 14th day of July was presented, on behalf of Mr. Kirkland, against the whole inquiry, a copy of which is transmitted herewith.

11. Shortly after the beginning of the inquiry, on the 14th day of July, Hector

Cameron, Esq., Q. C., stated he had been instructed by Mr. Foster to state that though he had acted as Mr. Bunting's solicitor in the criminal proceedings, he had no instructions to appear before this Commission, and that Mr. Bunting, since the issue of the Commission, had been in England; that he had had no communication with him on the subject; and that notice of the proceedings had not been served upon Mr. Bunting.

12. The Commissioners understand that Mr. Bunting left this Province for England before the meeting of the 14th of June, and it has not been made to appear to them that the notice reached Mr. Bunting.

13. Mr. Bunting was present at the meetings of the Commissioners in the month of September, and thence till the close of the proceedings, in compliance, as he stated, with the subpœna which had been served upon him.

14. Mr. Meek appeared in person on the 14th of July, and Mr. Kirkland was represented by Mr. Caswell, his counsel.

15. At this meeting of the 14th day of July W. R., Meredith, Esq., M.P.P., appeared as a member of the Assembly, and requested to be at liberty to cross-examine the witnesses. The Commissioners declined to permit him to do so in that capacity, but expressed their readiness to hear him if he chose to appear for any of the parties interested, or to formulate a charge against any one for more thoroughly probing the matter to the bottom.

16. The Commissioners proceeded with the inquiry on the 14th, 15th, 16th, 17th and 18th days of July, on the 1st and 2nd days of September, and on the 2nd, 3rd, 4th, 6th, 7th, 11th and 13th days of October.

17. The witnesses examined during the enquiry and the date of their examination were as follows:—

14th July—Charles Clarke, Charles T. Gillmor, begun; Robert McKim, Nicholas Awrey, Frederick Fenton, George T. Denison.

15th July—William Ward, Charles T. Gillmor, continued; W. D. Balfour, Peter Graham, James C. Welch, G. H. C. Dunston, Robert McKim, recalled; John Cascaden, Thomas Goldie.

16th July—W. P. Hudson, H. P. Dwight, Alex. P. Ross, Andrew Broder, P. Baskerville, G. H. Monk, D. H. Minaker, L. McCallum, J. M. Gibson, E. G. Sills, W. C. Caldwell,

17th July—J. F. Dowling, A. Bishop, J. M. Ferris, Hon. J. H. Pope, Hon. J. Carling, H. Merrick, J. Hague, R. A. Lyon, begun.

18th July—R A. Lyon, continued; Thos. Marks

1st Sept.—G. W. Badgerow, Jas. McMahon, Jas. Bain, T. Trudeau, C. O. Ermatinger.

2nd Sept.—A. M. Burgess, J. L. McDougall, Sir D. L. McPherson, J. Carnegie, D. Creighton, C. H. McIntosh, W. R. Meredith, Hon. A. Morris.

2nd Oct.—Hon. O. Mowat.

3rd Oct.—Hon. A. S. Hardy, W. Lees, W. C. Caldwell, recalled; Hon. T. B. Pardee, F. Fenton, recalled; Hon. C. F. Fraser.

4th Oct.—E. J. S. Vicars, R. McKim, recalled; Hon. A. S. Hardy, recalled; Hon. C. F. Fraser, recalled.

6th Oct.—E. Meek, D. Sinclair, W. Bell, S. Price.

7th Oct.—S. C. Boyle, T. McManus, Gavin Burns, Joel Boyle, Anthony Griffin.

11th Oct.—R. Travers, J. McLaughlin, M.D., Caleb Lowes, Wm. Blackwell, James Burns, R. Boyle, J. Allen, P. McEachren, T. Whale, S. Pester, J. Burns, G. Cavanagh, A. Ballantyne, A. McRae, W. Lodge, W. C. VanBuskirk, M.D., David King, Thos. Hunter, F. H. A. Sharon, R. M. Stafford, J. M. Penwarden, M.D., D. McAlpine, J. Hamilton, N. McIntyre, D. G. Ruthven, M.D., D. McPhail, R. F. Rudd, J. Wallace, M.D., W. Whitfield.

18. The evidence given by these witnesses is transmitted herewith.

The stenographers have also, in addition to the evidence, kept and reported with the evidence the proceedings from day to day, and also the arguments of the counsel for the parties who appeared before us.

19. On the 4th of October, while Mr. McKim was being re-examined, Mr. Bunting

was in Court and was informed that he could cross-examine him. This, after consultation with his counsel, he declined, on the 6th of October, to do, for reasons that appear in the report of the evidence.

20. On the 2nd day of September W. R. Meredith, Esq., preferred a charge against certain members of the Government in the following terms :—

"That members of the Government, Messrs. Fraser, Pardee, Hardy, and Mr. Mowat, knowing that attempts were being made to corrupt members of the House, induced members of the House to approach the persons who are said to have been engaged in this work for the purpose of inducing them to make corrupt offers, and to endeavour to entrap others not engaged in the matter into the same criminal acts."

21. When the Commissioners met on the 2nd day of October, upon the application of the Hon. Mr. Fraser, the Commissioners ordered the names of the persons to be given with whom the members of the Government were said to have colluded or endeavoured to entrap others.

22. Upon the 3rd day of October the particulars were given as follows :—

The following are the particulars, so far as known, of the persons referred to in Mr. Meredith's charge as persons approached by members of the House, at the instance of members of the Government, referred to in the charge :—J. A. Wilkinson, Edward Meek, Christopher W. Bunting and F. A. Kirkland.

23. The Commissioners closed their sittings for taking evidence and hearing the arguments of counsel on the 13th day of October. These sittings were public and open, and accommodation was provided for reporters of the public press.

24. The Commissioners, pursuant to the direction of the Commission, transmit herewith the evidence taken by them, and make the following report :—

25. An endeavour was made by Mr. Meek to impeach the credibility of two of the witnesses—Robert McKim and John Cascaden—and many witnesses were examined against them and for them. The Commissioners consider that the credibility of Messrs. McKim and Cascaden was not successfully attacked.

26. The Commissioners also have to report that telegraphic messages to Mr. Wilkinson and Mr. Bunting were destroyed in April last, a week or two after the proceedings in the Police Court, by Mr. Dwight, the General Manager of the Great North-Western Telegraph Company.

27. The Commissioners find that during the debate on the Address at the last session of the House of Assembly, a debate that lasted from the opening of the House on the 23rd of January till the 6th of February, an endeavour was made by John A. Wilkinson, Edward Meek and Christopher W. Bunting, acting in concert to form a coalition government, and for that purpose, to induce members of the House, supporters of the Government, to vote against them on the Address.

28. In pursuance of this scheme negotiations were entered into by Wilkinson, Meek, and Bunting with Robert McKim, and by Meek with John Cascaden, and offers were made to them of money and of offices in the North-West Territory to induce them to vote against the Government.

29. The Commissioners only mention those to whom corrupt offers were made. Other members were addressed, and attempts made to induce them to vote against the Government, by argument. F. A. Kirkland was also endeavouring at this time to influence the votes of members for his own purposes, but not apparently in conjunction with the others.

30. After the vote on the Address had sustained the Government, these efforts ceased until towards the end of the session, when they were renewed, not only as to Mr. McKim, but also as to Messrs. Dowling, Balfour and Lyon.

31. These renewed attempts were made by Kirkland in conjunction with Wilkinson, Meek and Bunting, and by a person who passed by the name of Lynch, but whose true name was Stimson.

32. Kirkland made advances to Balfour, representing that Wilkinson and Bunting were desirous of knowing what he would take and vote against the Government. Wilkinson offered Balfour anything he might state in the way of a shrievalty or registrarship in the North-West, or advertising for his paper from the Departments, and represented Bunting as working with him in the matter. Wilkinson said he could pay him $1,000 or $1,200 down as a guarantee of the office, and after the vote he would give, say $1,000; that Balfour would get any office he would decide upon. Kirkland also offered Balfour to pay him $1,000 or $1,200 to speak against the Government, and on the 17th March Wilkinson gave Balfour $800, and promised to give him $700 after the vote was taken on a resolution expected to be moved by the Opposition.

33. Negotiations had also been renewed with McKim, and $1,000 were given to him on the 16th of March by Wilkinson, after Stimson, *alias* Lynch, had, on the previous day, endeavoured to get McKim to bet on Dowling's vote.

34. Negotiations were also entered into with Lyon for the purpose of securing his vote. McKim, at Wilkinson's request, first spoke to him on the subject of his vote, and arranged a meeting between him and Wilkinson and Meek. Lyon's election had been protested. At a meeting with Wilkinson and Meek, when McKim was also present, Lyon was asked if he would vote against the Government on a resolution in regard to their timber policy if brought up as a vote of want of confidence, and Meek said if Lyon would carry that out he would withdraw the petition. Lyon wanted some security for the withdrawal of the petition, and Meek said he would give Bunting; and Lyon was told by McKim, in the presence of Wilkinson and Meek, that Bunting had agreed to see that the protest was withdrawn.

35. Lyon and McKim both signed what was termed a round robin, pledging themselves to vote against the Government.

36. Corrupt offers were made also to Dowling by Wilkinson, who wanted him to vote against the Government and resign his seat; the petition against his election would be withdrawn and the expenses he had been put to would be recouped, and for voting against the Government he was to get $2,000, and after he resigned his seat $2,000 or $3,000, if he did not interfere against the candidate who should run. Wilkinson wanted him to see Bunting to arrange to have the protest withdrawn. Dowling saw Bunting, who said if he would assist in the formation of a coalition and vote against the Government and resign his seat, they would recoup him his election expenses, and they could afford to give him $2,000 or $3,000. Wilkinson took Dowling to Stimson, *alias* Lynch, who wanted to bet $2,000 that he would not vote against the Mowat Administration. And on the 15th March Wilkinson and Kirkland in company endeavoured to induce Dowling to vote against the Government.

37. All the persons to whom offers of money and situations were made, communicated them to some members of the Government, and had no intention of accepting for themselves any of the things so offered. And McKim and Balfour immediately upon the receipt of the money given to them deposited it with the Speaker of the House.

38. In regard to the charge made by Mr. Meredith against Messrs. Fraser, Pardee, Hardy and Mowat, the Commissioners are of opinion that the evidence wholly fails to establish it. All the witnesses who speak on the subject, with one exception, show that the advice of these members of the Government to the persons to whom offers were made, was to be passive, to see how far the persons making the offers would go. That is the evidence of these members of the Government themselves; it is the evidence also of the persons to whom they gave the advice. The only conflicting evidence is that of the witness Vicars, who says he heard Hardy say to Fraser, "If our little scheme with Balfour works, we will fix them." This was distinctly denied both by Hardy and Fraser. The Commissioners think that Vicars was either under a mistake as to the persons who were speaking together or that he was telling an untruth. They were not favourably impressed with the manner in which Vicars gave his evidence, and do not credit his testimony.

39. The Commissioners further find that the persons so advised acted upon the advice. They made no advances to those who were endeavouring to corrupt them. The

advances were made to them and they suffered them to be made, with a view of procuring evidence sufficient to prove the offence of a conspiracy to bribe them.

40. The evidence does not show that the money given to McKim and Balfour came from any other source than Wilkinson or Stimson.

41. Nor does there appear to be any reason for supposing that any of the Conservative members of the House of Assembly attempted to use improper means to induce the members on the other side of the House to change their votes.

42. The Commissioners have arrived at the foregoing conclusions after a careful consideration of the evidence, and having had the advantage of hearing able arguments by the counsel who appeared before them.

All of which is respectfully submitted.

(Signed) W. PROUDFOOT,
Chairman.
E. J. SENKLER,
Commissioner.

OSGOODE HALL,
Toronto, 8th January, 1885.

I concur in reporting proceedings and evidence; would prefer a distinct statement as to the persons against whom evidence may be read, and respectfully decline giving an opinion or finding as to offences proved.

(Signed) A. F. SCOTT,
Commissioner.

BRAMPTON, 8th Jan., 1885.

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### COPY OF MEMORANDA ADDRESSED BY JUDGE SCOTT, ONE OF THE COMMISSIONERS TO VICE-CHANCELLOR PROUDFOOT, CHAIRMAN OF THE COMMISSION.

[*Memoranda.*]

The Commission, dated 12th May, 1884, issued under provisions of R.S.O., cap. 17 and 47 Vic., cap. 4, is "to inquire into and investigate the charges of bribery and conspiracy set forth in the statement made to the Legislative Assembly by the Hon. the Attorney-General on Monday, 17th March last, or any attempts to corrupt the members of the said Assembly, and into all other matters and things which, in the judgment of the Commissioners, relate thereto or affect the same."

The statement of the Attorney-General referred to alleges that he is credibly informed and believes "that divers persons, including Christopher W. Bunting, John A. Wilkinson, Edward Meek, F. S. Kirkland, and one Lynch, have entered into a conspiracy to accomplish the defeat of the Government in this House, by corrupting members of this House to vote against the Government and Government measures; that for the purpose of corruptly influencing the votes of members of this House, the said five persons have at divers times during the present session of this Legislature approached several members of this House with money, offers of money, promises of offices in the gift of the Dominion Government, and promises of other personal advantages to such members," and then proceeds to specify acts of corruption or attempted corruption, and members approached.

These particulars need not be mentioned, as the Commissioners have admitted all the evidence that was offered tending in any way to inculpate the said five persons, or any of them, in any offence coming within any of the general charges made.

The Crown, or the Government assuming to act on behalf of the Legislature, took the conduct of the inquiry, and the Commissioners therefore felt that they were not called upon to assume any responsibility for the production or omission of evidence, or giving of notices other than general public notice of the proceedings.

The Commissioners announced at an early stage of the proceedings that the evidence would be confined to the general charges against the five persons named unless specific charges of offences within the scope of the inquiry authorized by the Commission should be formulated against some other person or persons.

Mr. Meredith afterwards formulated the charge "that members of the Government, Messrs. Fraser, Pardee, Hardy, and Mr. Mowat, knowing that attempts were being made to corrupt members of the House, induced members of the House to approach the persons who are said to have been engaged in this work for the purpose of inducing them to make corrupt offers and to endeavour to entrap others not engaged in the matter into the same criminal acts," and particulars of the names of the persons so approached having been demanded and ordered, the names of "J. A. Wilkinson, Edward Meek, Christopher Bunting, and F. S. Kirkland," were given.

The inquiry was limited to the charges mentioned in the statement of the Attorney-General and that formulated by Mr. Meredith, no other person having been charged, in proper form, with any offence that could be inquired into by the Commissioners.

The Commissioners met on 5th June, and held their first public meeting on 14th June, "for the purpose of opening the Commission, announcing the time for proceeding with the inquiry, and giving directions as to the mode of procedure," of which notice was advertised in the *Globe* and *Mail* from 6th to 14th June.

The sitting of the Commission for the purpose of proceeding with the inquiry was held on 14th July. Notice thereof, and that "the names of all witnesses now known, are to be left with the clerk at his office, on or before the 4th day of July instant," was published in the *Mail* and *Globe* from 17th June to 14th July.

This sitting continued until 18th July inclusive, when the Commission was adjourned until 1st September, and sat on that day and the day following, then adjourned until 2nd October, and sat on that day, and the 3rd, 4th, 6th, 7th, 11th and 13th days of the same month, on which last date the evidence and arguments were closed, and the decision of the Commissioners reserved. The first question to be decided is, Who are properly before the Commissioners?

The Act 47 Vic., cap. 4 (sec. 46, sub.-sec. 4), enacts that "no action shall be taken against any person founded upon evidence given by any witness, unless it appears that such person had an opportunity of appearing before the Commissioners and cross-examining such witness either at the time he was examined in chief or subsequently, and that such person had also an opportunity of calling witnesses in his own behalf."

Upon the evidence taken under the Commission being submitted to the Legislative Assembly, "such action as the Legislative Assembly deems proper 'may be taken' as fully as if such evidence had been given at the bar of the Assembly."

As the evidence has been taken without any reference to sub-section 4, and will all be reported, I think it essentially necessary that the Commissioners should also report as to each person charged, that he had or had not the opportunity required by that sub-section.

As to Messrs. Meek, Kirkland, Fraser. Pardee, Hardy, and Mowat, there is no question. Meek was personally present and Kirkland represented by counsel from the beginning, and the others were represented by counsel while the charges against them were under investigation.

Messrs. Wilkinson, Bunting and Lynch are in a different position. Bunting was not present or represented until the sitting in September, the other two not at all. This does not necessarily involve want of "opportunity," as they may have had it, and waived their right. But that they had it must, I think, be clearly shown. We have no definition of the words, as here applied. Used in the widest sense it may be said that they all had "opportunity" to cross-examine witnesses and adduce evidence, as there was nothing to prevent any of them from doing so had they been present and inclined so to do. But it cannot for a moment be contended that such a construction should be put upon the word. On the other hand, it does not appear to be necessary that the same strictness should be maintained as in criminal proceedings, and that the accused should be present in person throughout the inquiry.

In the absence of any reference to authority, I think it may be fairly assumed that each person against whom action is taken shall have had reasonable personal notice of the proceedings before the Commissioners with reference to himself. The Legislative Assembly may, on the evidence to be reported, take such action as it "deems proper," may declare the accused "guilty of a contempt," and may direct him "to be imprisoned," and "its action shall be final and conclusive," and it does not appear that any notice to the accused is required other than as implied in the sub-section quoted.

The proceeding is quasi-criminal, the punishment imprisonment; the liberty of the subject is at stake, and that without appeal.

I cannot call to mind any case in which imprisonment can be awarded as a punishment without at least such notice as I have postulated, and I think the lines of protection to personal liberty should not be any more closely drawn without clear authority.

It is not shown that any notice whatever has been given to Lynch, other than the publication of the notices of the meetings of 14th June and 14th July. These notices do not give any particulars as to parties charged, or intimate that any particular person is called upon to be present, and I think it may be at once assumed that "no action shall be taken against him" on the evidence reported.

On 6th June a notice that the Commissioners would hold "a preliminary public meeting for the purpose of opening the Commission, announcing the time for proceeding with the inquiry, and giving directions as to mode of procedure," signed by "William Johnston, acting on behalf of the Legislature," and headed, "In the matter of an inquiry into certain alleged attempts to corrupt and bribe certain members of the Legislative Assembly of the Province of Ontario," was served on Mr. Bunting's solicitors, and service was accepted by them. It appears that he had previously left for England, and he did not return until after the July sitting of the Commission. On 14th July Mr. Cameron, Q.C., for Bunting's solicitor, stated that he had been solicitor in the criminal proceedings only, and had no instructions or authority to appear for him (Bunting) before the Commission.

On the 18th June a notice, signed by the clerk of the Commission and headed as above, "that the Commissioners appointed to investigate the alleged attempts to corrupt and bribe certain members of the Legislative Assembly of the Province of Ontario will sit for the purpose of proceeding with the inquiry on the 14th July next at noon, and from day to day thereafter, beginning each day at ten o'clock. The names of all witnessss now known are to be left with the Clerk on or before 4th July next," was served on the same solicitors for Mr. Bunting, but it does not appear that service was accepted, and on 20th June a similar notice was mailed to him at Toronto.

Some time after the meeting of 14th June Mr. Johnston sent to London, England, where Bunting was then supposed to be, a notice of the meeting of the Commission on 14th July, and addressing him as "one of the parties charged with conspiracy to corrupt and bribe members of the Assembly," and notifying him that, in case of his failure to attend, "the Commissioners will proceed in your absence, and the evidence then taken will be used in all and every other matter or action which shall be taken against you." On and subsequent to 18th July attempts were made to find Mr. Bunting in London to serve him with this notice, and on 22nd and 24th July copies were left for him in places where he had been, or was supposed to have been, and on 28th July the same notice was sent by post to an address in London where, it was stated, he had called for letters.

On 19th July a notice by the Clerk of the adjournment to 1st September was sent by mail to him at Toronto.

On 1st August he was personally served at Toronto with a subpœna to appear and give evidence on 1st September. He was afterwards present at times during the inquiry.

On 4th October, he being present and Mr. McKim on the witness stand, the Chairman informed him (Mr. Bunting), that he had the opportunity of cross-examining the witness on the evidence he had given, the Chairman stating that he gave notice because "the statute says that if he has the opportunity of cross-examination and does not avail himself of it, the fact may be used against him."

In considering the sufficiency of these notices the one sent to London may be left out of the question for two reasons:—One, that the day and sitting mentioned were already past when the service, such as it was, was made; the other, that the notice could not have been handed him as requested, the earliest having been left on the 22nd July, and he being in Toronto on 1st August.

One of the notices for the meeting of 14th June was served on Bunting's solicitors, and service accepted by them. They afterwards disclaim being his solicitors *ad hoc.* I think the acceptance of service by them, when they had no authority to do so, is of no avail as against the client. In any case of this kind where the consequences of admitting anything short of personal service may be so serious, no service upon a solicitor should be acted upon unless authority to receive such service be clearly shown. And the sending of a notice by mail cannot surely be relied upon as a service, unless it be also clearly shown that the notice must have been received in reasonable time. But even if this notice had been personally served, I cannot see that it would have any effect. It is not stated that there is any charge against him, or that he is called upon to appear, and no reason is given why he should attend, or notice of consequences in case of default. The notice is precisely such as might be given to a person supposed so have a charge to make against others, but there is nothing to indicate any charge against him.

The notice for adjourned meeting on the 1st Sept., being sent by mail, has the same defect as the former one as to service, and it is, also, in like manner defective as to the information or want of information given by it.

The subpœna, so far as service is concerned, was all right. But it merely requires him to attend and give evidence, and he is not informed that his attendance for any other purpose is necessary. The notification to Bunting that he was at liberty to cross-examine McKim was, I think, not sufficient to bind the former, even as to the evidence of the latter. McKim did not then give any evidence as to Bunting. That had been given long before. No notice or intimation was given Bunting as to what that evidence was, or how he was, or might be, affected by it, or why he had any interest in the cross-examination of this witness. As to the other witnesses, there was no notice or intimation whatever given as far as shown.

It may be argued, probably with a good deal of foundation in fact, that from the public interest in these proceedings, and his known connection with the public press, Bunting was informed of what took place from time to time. That is not to the purpose. The onus of showing that the accused had the opportunity of cross-examination, and of adducing evidence on his own behalf, is upon those having charge of the prosecution of the inquiry. This, in my opinion, as already stated, involves proof of notice to the accused, either by actual personal service, or necessary implication of personal receipt, showing with reasonable sufficiency the nature of the charge against him.

To allow anything short of this would be a precedent that might open the door to all manner of irregular proceedings, with the possibility of some unfortunate individual finding himself, without any previous notice, subject to such punishment as the Legislative Assembly in its pleasure or displeasure may see fit to award.

I am, therefore, clearly of opinion that Bunting is not shown to be within the Act, and is not shown to have had the opportunity of cross-examination, etc., contemplated thereby, and that no action can be taken against him on the evidence to be reported under the Commission.

This objection might have been easily overcome, and the failure of the Commission as to him avoided. He was personally served with subpœna on 1st August. If at or about that time he had been served personally with a notice under proper authority, setting forth the proceedings and the charges against him, the names of the witnesses who had given evidence against him, where the evidence could be inspected, and that such of the witnesses as he should, by reasonable notice require, would be produced at a certain time and place for cross-examination, and that he might adduce evidence on his own behalf, then I take it, the spirit of the Act would have been complied with, and he would have been bound by the whole proceedings, whether he attended or not.

This might have been done, and speaking for myself, would have been done if the Commissioners were responsible for the conduct of the proceedings. Why it was not done can only be conjectured. Probably because he and most of the others originally charged are already held for criminal proceedings in the same matter, and it is not intended that they shall be "twice vexed for the same offence," and that the real object of the enquiry, was, as might very properly be supposed, to ascertain if any other persons, and who, were engaged in or connected with the alleged conspiracy.

As to Wilkinson, the like notice of the sitting on the 14th of July, was mailed to him at Cobourg and served on Dr. McMichael as his solicitor. His family then resided in Cobourg, but he was not there, nor is it shown that the notice was received by him.

On the 17th July he was personally served at Winnipeg, with a notice stating the date, constitution, and objects of the Commission, and that it would sit on the fourteenth July at noon, "and so from day to day thereafter beginning each day at ten o'clock," and that "as you are one of the parties charged with conspiracy to corrupt and bribe members of the said assembly, you will be given ample opportunity of appearing before the Commissioners and cross-examining such witnesses as may give evidence, and that you will also be given full opportunity of calling witnesses on your own behalf, and that in case you fail to attend, the Commissioners will proced in your absence, and the evidence then taken will be used in all and every other matter or action which shall be taken against you."

And on 19th July a notice of the adjournment to 1st September, similar to that sent to Bunting, was sent by mail to Wilkinson at Cobourg.

The remarks in Bunting's case apply to all these notices except that served on the 17th July. It was served personally, and had the merit of giving some intimation of the proceedings, and that he might be affected by them. But the service was too late, and therefore of no avail. A notice on 17th to appear on 14th must be a nullity. It is argued that as the notice mentioned the sitting "from day to day," its effect was continuous during the sitting. Even if that view were correct, that sitting lasted only until 18th July, and he could not possibly have attended on that notice. Had he at once endeavoured to comply with it, and attended at the place mentioned, he would not have found any Commission sitting or any clerk in attendance, or any office open where he could enter an appearance. All that can be said is that if he had come he might by enquiry have found out his position and been enabled to attend the adjourned sitting. I think that is clearly not sufficient; I think also that the notice as to sitting from day to day was not sufficient. No numbor of days was given, and for anything that was brought to his notice the whole proceedings might have been closed before the notice was received by him.

Wilkinson's case differs from Bunting's in the fact that everything appears to have been done that could be done to give him notice of the proceedings. Still I have to decide that he had not such notice as to justify any other report than that he had not the opportunity of cross-examination required by the statute.

Mr. Caswell, for Kirkland, filed a protest against the proceedings on the grounds stated shortly:—

1. "That he has already been arrested and held for trial in the criminal courts for the same offence."

This objection is anticipated and expressly provided against by 47 Vic., cap. 4, sec 46, sub-sec. 2:

2. "That this being in the nature of a criminal proceeding, proceedings should have been authorized by the Parliament of the Dominion, which alone has cognizance of such proceedings."

The proceedings under the Commission, and any action that may be taken thereupon, are not as in relation to an offence against the criminal laws, where the objection would be well taken, but to an offence against the Provincial Parliament. Without touching the question of its original or inherent jurisdiction, to enquire into and punish offence against itself, we have it passing Acts providing for such matters, and these Acts not having been disallowed by the Dominion Government, the Commissioners cannot do otherwise than assume their validity.

3. "That the Act of last session is *ultra vires* in attempting to establish a system of criminal procedure, a power vested in the Dominion Government alone."

This is similar in substance to the second objection, and the same remarks apply to both. I think also it is not in the province of the Commissioners to decide upon the constitutionality or validity of Acts of Parliament. If there be doubts as to the Acts in question they can be solved by reference to the proper courts, where an authoritative judgment may be given, I can imagine an Act so clearly *ultra vires* that Commissioners would hesitate or decline to act under it. Such is not the case here.

4. "That he was served with a subpœna in the United States, which is an offence against the law of nations."

5. "That the right of enquiry is limited to attempts to bribe, &c., by members only." The fifth objection is founded upon a mere omission of punctuation in R. S. O. cap. 12, sec. 45. The offence is "the offering to, or the acceptance of a bribe by, any member," &c. By putting a comma after the "to" and the "by" the sense is made clear and the clause cannot be read in any other way to give effect to all the words.

6. "That the Statute 46 Vic., cap. 4, authorizing this Commission was altered after the passing thereof by transposing the 45th and 46th sections." As the Act was first published in the "Gazette," these sections did not appear in the same erder as afterwards in the "Gazette," and subsequently in the volume of the Statutes. All the evidence goes to show that the error was in the first publication. The roll of the Statute produced is as the Act now stands, and we cannot go behind that. Even if the first publication were correct I think the distinct application of the now 46th section to any attempts to corrupt, &c., "whether made before or subsequently to the passing of the Act" would not be overruled by the now 45th section, which relates only to elections and to proceedings therein or growing out of the same, And it is almost a matter of public notoriety that this 46th section was passed with a view to these proceedings, and it is not at all likely that there would be any question left as to its immediate application.

While the Commissioners have to decide against all the objections taken, I think they should, nevertheless be reported with the evidence in order that he (Kirkland) may not be prejudiced in any application he may be advised to make to the Courts.

Mr. Meek took, substantially, most of these objections in his case and the same remaks apply to them. Another question to be determined by us is whether we should or should not report facts, or decisions as to any of the parties properly before us. I think we should not—for two reasons, one applying to all the said parties, the other to Meek and Kirkland only. The first is, that any decision we might give would be a mere opinion of individuals and not a judgment by a tribunal having power to determine facts. R. S. O. cap. 17, authorizes the Lieut.-Governor to confer upon the Commissioners the power of "summoning before them any party or witnesses and of requiring them to give evidence on oath, orally, or in writing, and to produce such documents and things as such Commissioners shall deem requisite to the full investigation of the matter into which they are appointed to examine." 47 Vic. cap. 4, sec. 46, although extending the power of issuing such Commissions to cases not before provided for, confers no additisnal powers on the Commissioners but enacts that "the Legislative Assembly upon the evidence taken before the Commissioners being submitted to it, may take such action as the said Legislative Assembly deems proper" as fully as if "such evidence had been given at the bar of the Assembly." This Commission is issued under the latter enactment. The object for which it is issued is to have the evidence taken under it instead of "at the bar of the Assembly." It differs from those wherein the Government may act directly upon the report: e. g., as to the conduct of an official holding office during pleasure, the advisability of making certain lecal or general improvements, or of introducing measures for changes in certain laws, etc. In such cases it is the report itself that may be acted upon. Here it is the evidence only that can be dealt with. We have no power or authority to make any binding report or finding as to the facts. Such a report is not contemplated by the Act that calls us, as Commissioners, into being. We are only to report the proceedings and evidence. The Legislative Assembly can take action only upon the evidence reported. There is no duty upon us, and we have, in fact, no right to give our opinion as to the guilt or innocence of any of the parties charged. These are entirely in the hands of the Legislative Assembly to decide upon according to the evidence.

The second reason applying to Meek and Kirkland only is that they being now held for trial before the criminal courts for precisely the same offences as those charged here, and the widest publicity being given to our proceedings, any verdict of ours, though of no effect upon the tribunal for which we are taking evidence, would likely have some effect unduly favourable or unduly prejudicial to these persons upon the ultimate tribunal in those courts. The trial there should be decided strictly upon the evidence given there. Any previous decision of ours, irresponsible though it would be, would probably have some effect on the minds of the jury, and so work a detriment to the prosecution, or injustice to the accused, a responsibility that should not be lightly or unnecessarily assumed.

I think, then, we should simply report the evidence, protests, additional charges, and proceedings, and specify which of the persons charged had an opportunity of cross-examining and calling witnesses.

(Signed,) A. F. Scott.

Brampton, 6th Dec., 1884.

# EXHIBITS.

## IN THE MATTER OF AN INQUIRY INTO CERTAIN ALLEGED ATTEMPTS TO CORRUPT AND BRIBE CERTAIN MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO.

"A."

Envelope containing letters and papers taken from J. A. Wilkinson at the time of his arrest, of which the following are copies:—

(1st) "A. M.,

"OTTAWA,

"1 FEB'Y, 1884.

"Private."

"DEAR SIR,—I have made up my mind to recommend your appointment as Registrar of Edmonton, N.W.T.

"Yours, very truly,

"(Sgd.) D. L. MACPHERSON.

"J. A. Wilkinson, Esq., Toronto."

On this letter was endorsed the following: "I name as my appointment to the above mentioned office."

The letter of which the above is a copy is marked Exhibit "G."

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(2nd.) "THE MONTREAL AND DOMINION TELEGRAPH COMPANY'S LINES, operated by THE GREAT NORTH WESTERN TELEGRAPH COMPANY OF CANADA.

"GUELPH, 4 Feb. 1884.

"To J. A. WILKINSON, ESQ.,

"DEAR SIR,—Failed seeing party until this morning. Firm believer in N. P.; otherwise in accordance with his party. I have appointed Tuesday night to see him in Toronto. Not unfavourable. Would not promise. Seems to me would like see Division on the Address—is aware Mowat not so strong as he was. I don't know what to say, but think not unfavourable, would like see both you and Bunting on Tuesday before seeing him.

"Yours truly."

The letter of which the above is a copy is marked Exhibit "P."

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(3rd.) "TORONTO, March 15th, '84.

"Being convinced that the replacement of the present party Ministry in the Ontario Legislature by a coalition one, composed of an equal number from each party, would be highly in the interest of the Province, I agree to give my vote and influence on the first and every occasion during the present session against the Mowat Administration for the purpose of aiding in effecting this desirable end."

TORONTO, March 15th, '84.

"Being convinced that the replacement of the present party Ministry in the Ontario Legislature by a coalition one, composed of an equal number from each party would be highly in the interest of the Province ; I agree to give my vote and influence on the first and every occasion during the present session against the Mowat Administration for the purpose of aiding in securing this desirable end."

The document of which the above is a copy is marked Exhibit "L."

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"B."

Envelope containing letters and papers taken from F. S. Kirkland at the time of his arrest, of which the following are copies :—

(1st.) "R. G. PETERS, Manufacturer of Lumber, Lath and Shingles, and dealer in General Merchandise. Bill Stuff a Specialty.

"MANISTEE, Mich., Dec. 25th, 1883.

"F. S. KIRKLAND, Esq.,

"DEAR SIR,—Any arrangement you make with Mr. Goff, or any one else, to aid you in getting favourable legislation in Canada, to the end that we can buy the pine lands you have surveyed on the Pigeon River and vicinity, or that we may survey, will be satisfactory to me, and you are hereby authorized to make such arrangement as may seem best in your judgment—not to cost over ten thousand dollars.

"Respectfully yours,

(Sgd.) R. G. PETERS."

The letter of which the above is a copy is marked Exhibit "K."

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(2nd.) "TREASURY DEPARTMENT,
(Box 360.) "SECOND AUDITOR'S OFFICE,
"WASHINGTON, D.C., MONDAY, Mar. 3, 1884.

"MY DEAR SON,—Your *very welcome* letter of the 28th inst. was most acceptable, on account of the prospect of your visiting us this spring, and I trust your efforts will culminate successfully and your promise be fulfilled, for your last visit was 'all too short' and so 'broken in upon' by 'Thanksgiving' that we really did not feel satisfied at all. Mother ans'd a portion of your letter *very fully* yesterday, so there is no need of my adding anything to her sentiments on *that head* ; and I should not express myself so *explicitly* any way, as you may have left, and our letters might fall into the hands of strangers at the hotel, and contents be misconstrued. We do not understand the *precise* nature of the enterprises that require the *desired legislation*, but we are extremely solicitous to hear of your progress from time to time, and if the project is meritorious, we cannot see why there should be objection and opposition. Tell us in your next when you expect to return home, and then write us more *in detail* and mention *when* we may expect you, for we want to see you *very much* in regard to your own matters and plans for 1884, as also in regard to Ede ; bad counsel in such cases does no good, but prudent advice may effect *some* benefit. I would like to talk with both of them the same as you have done. then try to exert a *judicious* influence. I can appreciate your feelings while pursuing your *present* labours, and trust your perseverance may meet its just reward, still I count upon *nothing* until it is *actually* attained. *Don't* forget that anything, *everything* you write is *very interesting* to us, for our daily life is void of exciting incident and monotonous in the extreme ; and our children are our one main object of solicitude and interest, and anything that concerns them concerns us. Should your Toronto trip prove *fruitless* how will it affect your 'programme' for 1884-85 ? Write Charlie as soon as you reach home, that he may arrange to see you some time this month. I directed Smith to pay you or Maggie the rent due the 17th Feb. Clara replied that 'he was in camp, but she presumed that arrangement would be satisfactory.' Don't know whether he has done so or not, as have not heard from U— since. You must have had terrifically cold weather last week for the weather was wintry here, and reports from the west report the *severest* spell of the season. Trusting to hear from you soon.

"I remain,

"Yours affct.,

"FATHER.

"Judge Beacon leaves to-day for home. I had many pleasant chats with them. Will see Mr. Price this eve, as you request, and report his remarks."

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(3rd.)

"TREMONT HOUSE, BOSTON,
"(SILAS GURNEY & CO.),
"10 MARCH, 1884.

"DEAR SIR,—I leave for New York to-morrow, then to Ottawa, and it will be all I can do, even if I can accomplish that, to reach Toronto before Saturday. I hope you have succeeded about mining lands and timber, but whether or no you had better wait till I get back. You want to make money—so do I. If a *good* mine is struck there is more in it than all the timber in all Canada, Michigan or Minnesota. It is the good we are after, and the evil we should shun. If you stay till I return I will talk business to you, if it is business you want to do and money you want to make. I have arranged things here satisfactory with Genl. Wild about Rabbit Mountain. I go to New York to look after my own interests, and in Ottawa I expect to pocket a timber limit.

"Yours truly,

"(Sgd.) THOS. A. KEEFER."

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(4th.) "R. G. PETERS, Manufacturer of Lumber, Lath and Shingles, and Dealer in General Merchandise. Bill Stuff a Specialty.

"MANISTEE, Mich., March 11th, 1884.

"F. S. KIRKLAND, ESQ.,

"DEAR SIR,—You are pushing me for money beyond my ability. The best I could do would be $5,000 the 20th to 25th and some more the 30th. You forget that I can't ship until April 20th, and that I have a large business to float and carry on. It is certain that they will milk you for all you will stand, so you must not be too free, or they will take our hides off. Refer them to the Com. Agency for a report of my standing for honor, etc. I enclose the $100, and have sent the other drafts as ordered. I shall do my best to go through with this undertaking.

"Respectfully yours,

"(Sgd.) R. G. PETERS.

"Can't leave to come there now."

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(5th.)

"THE QUEEN'S, TORONTO, 12th, 1884.

"MY DEAR KIRKLAND,—I am just leaving for Montreal, and should like to have seen you before going to say good-bye, but had nothing particular to communicate. I have seen two or three of the Conservative members since noon, and they all say it is better not to be in too much hurry with the resolutions until they get matters well matured. I shall be back on Tuesday and see you then. In the meantime, if you have anything particular to communicate, write or wire me to Windsor, Montreal.

"Yours in haste,

"(Sgd.) THOS. MARKS."

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"C."

Envelope in which Exhibits "A" and "B" were enclosed when they were received by Mr. Speaker Clarke from R. Harcourt, Esq., Chairman of the Committee on Privileges and Elections, endorsed as follows:

"Delivered to Mr. Speaker, March 19, '84, 12:25 o'c.

"(Sgd.) R. HARCOURT."

"Received from R. Harcourt, Esq., Chairman of the Committee on Privileges and Elections, 19th March, 1884.

"(Sgd.) CHARLES CLARKE."

"D."

Envelope containing a letter to Col. Charles Clarke, Speaker, Legislative Assembly, Ontario, and ten hundred dollars from Robert McKim. On the envelope is written and endorsed the following:

"Mr. Speaker.

"This envelope not to be opened until requested by the Attorney-General."

The following is a copy of the letter above-mentioned:

"MONDAY MORNING, March 17, 1884.

"MR. SPEAKER,—The enclosed one thousand dollars was yesterday paid to me to influence my vote in the Legislative Assembly by Mr. Wilkinson. I place it in your hands at the earliest opportunity on your return to the city.

"I remain,
"Yours truly,

"(Sgd.) R. McKIM."

The sum of ten hundred dollars was in ten one hundred dollars bills of the issue of the bank of British North America.

"1 D."

Envelope in which Exhibit "D" was enclosed when received by Mr. Speaker Clarke. It is addressed as follows:

"Mr. Speaker Clarke," and is endorsed as follows:

"No. 1, received from Robt. McKim, 17th March, 1884."

"E."

Envelope containing a letter to Col. Charles Clarke, Speaker, Legislative Assembly, Ontario, and eight hundred dollars from William D. Balfour. On the envelope is written and endorsed the following:

"Mr. Speaker Clarke.

"Not to be opened till requested by the Attorney-General."

The following is a copy of the letter above-mentioned:

"HOUSE OF ASSEMBLY,
"TORONTO, March 17th, 1884, 3 p.m.

"DEAR SIR,—I hereby enclose you the sum of eight hundred dollars, in one hundred dollar bills, handed to me at 2:30 p.m. to-day, and now handed to you by me. It was given me by a man named "Big Push" Wilkinson, in room No. 9, Walker House, to influence my vote against the Government during the present session. I made no promises.

"Yours faithfully,

"(Sgd.) WM D. BALFOUR.

"COL. CHARLES CLARKE,
"Speaker, Legislative Assembly, Ontario."

The sum ef eight hundred dollars was in eight one hundred dollar bills of the issue of the bank of British North America.

"F."

Envelope in which Exhibit "E" was enclosed when received by Mr. Speaker Clarke. It is addressed as follows: "Mr. Speaker Clarke," and is endorsed as follows: "No. 2 Received from W. D. Balfour, 17th March, 1884."

"G."

Envelope containing a letter from Hon. D. L. Macpherson to J. A. Wilkinson. Copy of this letter is given under Exhibit "A."

"H."

Journals of the Legislative Assembly of the Province of Ontario, Session 23rd January, 1884, to 25th March, 1884.

"I."

Copy of Bill for the amendment of the Election Law, and for the better prevention of corrupt and illegal practises at elections to the Legislative Assembly.

"J."

Supplement to the *Ontario Gazette*, dated Saturday, March 29, 1884.

"K."

Letter to F. S. Kirkland, signed "R. G. Peters." A copy of this letter is given under Exhibit "B."

"L."

A writing dated at Toronto, March 15th, 1884, a copy of which is given under Exhibit "A.

"M.'

Photograph said to be of Frederick Stimson.

"N.

Photograph said to be of Frederick Stimson.

"O."

Envelope containing papers which were taken from F. S. Kirkland on his arrest. This was produced by Inspector Ward.

(1st) "ACTIVE MILITIA.

"CERTIFICATE OF DISCHARGE.

"This certifies that No. 889, Pte. George Talford of Woodstock, County of Carleton, Province of New Brunswick, Dominion of Canada, aged 22 years, served continuously in Provisional Battalion of Infantry of Active Militia of Canada, from the 30th day of May, 1873, to the 3rd day of November, 1873, and is now discharged therefrom.

"(Sgd.) A. G. IRWIN.
Major, Commanding Prov. Batt. of Inf't'y.

"(Sgd.) WM. S. DUNE, D.A.G.,
"Lieut.-Colonel, Commanding Military Dist. No. 2.

"Dated at the Old Fort, Toronto, the 3rd day of November, 1873."

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(2nd.) "TORONTO, Jan. 30, 1884.

"Mr. Kirkland has deposited in the safe at the Rossin House 1 Package said to contain valuables, to be delivered up only on return of this receipt,

"(Sgd.) M. H. IRISH."

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(3rd.) "TORONTO, Feb'y 14, 1884.

"Mr. F. S. Kirkland has deposited in the safe at the Rossin House one Package said to contain valuables, to be delivered up only on return of this receipt.

"(Sgd.) M. H. IRISH."

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(4th.) "DEPOSITED BY F. S. KIRKLAND, AG'T, WITH THE NEILLSVILLE BANK.

"NEILLSVILLE, WIS., 188

| | "Dollars. | Cents. |
|---|---|---|
| "Currency | | |
| "Checks. | | |
| "Drafts. | $1,000 | " |

"(Sgd.) J. M. OSLER.

"One thousand dollars duplicate. C.W."

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(5th.) "WASHINGTON, MAR. 2nd, 1884.

"MY DEAR 'FIRST BORN.' Your's to your father, written on the 28th, really makes me quite unhappy. You will say that 'mother is getting old and childish;' but old people have seen many things that young people have not had years enough to see; and *children*, know more than their elders give them credit for; hence, age and youth in their extremes are not to be despised. You are making 'too great haste to be rich.' Whence have arisen *all* our troubles? The destruction of our home, the lack of education of the children, the lamentable marriages of the girls, the turning Charlie in his tender years to such a laborious life without education or home influence, and lastly reducing the aged to poverty and perhaps later in life bringing them to the poor house! You do right in acquiring riches in the right way, but 'wine parties,' dinners, and theatres are *not right*, in the sense that you *describe*. I know that God will not prosper you (the child of baptism and of many prayers, if you forget *Him* He can *turn the hearts* of *men* as the rivers of water are turned,' and make your fortune all that is good for you without your buying men with those things *that hurt them* We cannot take the least pleasure in your prospect of a 'hundred thousand' for gotten in *that way* it will not bring a blessing to you, *nor to your boy*, nor comforting thoughts to you on your death bed. You will say (and I see your exact tone and expression) Why, mother, *all* English men take wine! True! thousands take wine, but when you take it, you are cultivating an appetite that you inherited and you are offering a glass to your brother (whose keeper God expects you to be) that may in the end be his ruin on earth and of his soul (' for no drunkard shall enherit Eternal life') and the destruction and sorrow of his family, perhaps through generations. Do *not* dear boy, try to buy influence by such means. Don't you know that a straightforward manly course is the only way to win manly men? and if they are not manly but belong to those who accept bribes and whose principles are formed by the theatre and the wine cup, you are the worse for all the influence and wealth they may bring you. 'Wealth gotten by wickedness,' *never never* blesses the *family*. It was so with ours, with Wards, it was so with Davids it is and has been so in families and nations. One prayer from an *honest* penitent heart will bring more blessing to *your dear boy* than all the wine, theatres, and dissipation which you are using as means to happiness. You say, why mother that is the way they all do! No! some do I know, but do not you, I pray; do everything to bring a blessing, but nothing that will not; and you know that wine, theatres, cards, champagne suppers, cigars, etc., make men no wiser, better, more respected, nor make their children loving, obedient, honoured or respected. Give your men a good dinner, the best that *honour* makes necessary, but their heads will be clearer, their friendship better worth having, their respect for you increased, if you supplement it by a cup of the best strong coffee and a pleasant drive; which would cost no more than wines. My dear, your mother knows that you are and were always fast. I used to be fast, too, in my way, and had not poverty held the reins I might have been frivolous, which is the next worst evil and walks hand in hand with the other. I can understand you enjoy being at the 'Rossin' and cutting a 'heavy swathe' in your partner's name or your own, or both, but it is a *poor* glory, a sickly, weak unstable exaltation that does you harm and must make Maggy unhappy. Give it all up, Frank; I mean the drinking and the theatres, the cards and the tobacco, and *come up*! If you cannot get thousands, take hundreds and have them clean, so that when death comes to you you will not fear to leave them to your boy and *with them* the inheritançe of an 'honest getting.' What did Nellie Lamed mean by telling her mother that 'you left Thornton with me?' and that "Maggie was going into a convent?" Did you intend to leave him? and is anything wrong with you and Maggie? Is T. neglected? Do not let him grow up in the streets, nor under a servant if you have to fire the gallery. I wish M. could come here and study for two or three years. Would it not have been nice to send them to Europe with Joe's children. I hope the dear child will be sent to S. school and to church, and that you will try to make him a Christian. I hope, too, that you may all visit us in March or April, though I do not expect it as I know that you will be very busy. Well, my dear, do not be hurt in your heart at this letter, for your mother, next to God, is your *oldest* and *truest* friend, and she prays often for the best blessings upon you. I kiss you, and am ever thine

"MOTHER."

On the envelope containing the letter, of which the above is a copy, are written the following names:

" MacMahon.
" Harcourt.
" McKim.
" Laidlaw
" Drury.
" Lyon.
Awrey.
McCraney.
Balfour.
Morin.
Cascaden.
Graham."

(6th.)

"Lewis & Munro,
"Barristers, etc.,
"Notaries Public,

"A. R. Lewis. J. M. Munro.

"Port Arthur, Ont., March 4, 1884."

"*Re* Port Arthur Boom, Etc., Company.

"Dear Sir,—Your favor herein just at hand. We do not find any such clause in *draft notice* as quoted by you, and tho' our Gazette is not at hand we presume you have quoted correctly; but that the clause is error of printer, or changed without our knowledge. The draft reads, 'including the improving of all streams necessary or requisite for the purposes of the said Company, and for which incorporation is sought.' We do not propose to control streams at all—*not one*—but to improve such as purposes of business might render necessary. The Petition reads as our draft notice does and as above quoted by us, and Charter would be issued on Petition. The Company do not propose to interfere with anyone; but as business men, and interested in the development of the country, will gladly welcome you and any others to this part of the world in any industry they may choose to engage.

"Yours truly,

"(Sgd.) LEWIS & MUNRO.

"F. S. Kirkland,
"Rossin House,
"Toronto, Ont."

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(7th.) "R. G. Peters, Manufacturer of Lumber, Lath and Shingles, and Dealer in General Merchandise. Bill Stuff a Specialty.

"Manistee, Mich., March 8, 1884.

"Mr. F. S. Kirkland,

"Dear Sir,—Enclosed please find $150 draft as you request. We have sent a check to your wife for $50.

"Yours resp.,

"(Sgd.) R. G. PETERS.
p. H. U. C."

58
92
$150

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(8th.) Envelope which contained letters from E. Pense and Kirkland's wife. Letters were returned to Kirkland's solicitor. Envelope has following names written on it, marked as follows:

| | | | |
|---|---|---|---|
| *" MacMahon. | | | |
| " Lyon | R | 1 | 5 |
| " McKim | R | 2 | 3 |
| " Balfour | R | 3 | 1 |
| " (Awrey) (not vote against G.) | | | |
| *" Graham | R | 4 | |
| *" Harcourt | | 4 | 1 |
| " Neelon | R | 5 | |
| " Gibson (Hamilton) | | | |
| " Cascaden | | 6 | 15 |
| " Dr. Dowling | | 7 | 15 |
| " Blazzard | | | |
| " Badgerow | | | |

"J. W. Carhart,
"Proprietor,
"O'Neill House,
"Neillsville, Mich., March 1st, 1884.

"My Dear Kirkland,—I was glad to get your letter to-day. I am happy to state that for the first time to-day, I may say, I am all right, but very weak yet. I seem to have had an attack of inflammation of the bowels which degenerated into such a bad attack of piles that I have not been able to sit down for more than five minutes at a time. I need not say that I never passed a more miserable time in my life, and shall only be too glad to get to work again. I have great confidence in your push, and have felt that somehow or other the thing will go through all along. I know well how hard you will have worked for it, and how well you will deserve your reward, but I was sure all the time there was no such thing as fail, where there was any money to be spent judiciously. The field notes now will be finished at once, hitherto their progress has necessarily been slow. I need not tell you that the notes of the other locations—west of Pandie—are at Port Arthur, but in case I go I will arrange to hand plans, and notes made out by Russell—so that I won't have to stop on the way at all. Give me all the warning you can on account

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* These names were crossed over.

of Ed. and Warren, who will want a couple of days to get ready. Be sure and don't miss the "Battle of Gettysburgh" when in Chicago—you will regret it if it costs you $50.00 to see it. It is by far the most wonderful thing that I have ever seen.

"Yours, very sincerely,

"(Sgd.) W. H. FURLONG."

"P. S.—Mrs. Kirkland has just called and given me $50, for which many thanks, though there was no great hurry in the matter.

"(Sgd.) W. H. F."

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"THE MONTREAL AND DOMINION TELEGRAPH COMPANIES' LINES, operated by THE GREAT NORTH-WESTERN TELEGRAPH COMPANY OF CANADA.

| "Rec'd | No. | From | Sent by | Rec'd by | Time 8.15 p. | Check 8. pd. |
|---|---|---|---|---|---|---|
| | "M. | | X. | D. | | |

"No. 873.

"TORONTO, March 17, 1884.

"By Telegraph from Trenton, Ont. 17.

"To J. A. WILKINSON,
"Walker House,

"Just arrived. Going up on early morning train.

"(Sgd.) J. D. MACAULAY."

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"NEILLSVILLE, March 13th, 1884.

"MY PRECIOUS ONE,—Yours of March 10th just received, and how my heart goes out to you and for your success. I should not care so much for a failure on our own account, but I should feel VERY, VERY much grieved if Mr. Peters should lose one penny through you, dearest. I can't express the respect and esteem I have for that man, and if through you he should be made to suffer a pecuniary loss I could never feel happy again, unless in some way we could return all. Sweet, don't be extravagant. I send the measure, but I think you better NOT act foolishly. I just received a check from Mr. Peters for seventy-five dollars. All well, and send love and kisses.

"Your own affectionate,

"(Sgd). MARGUERITE."

BINDING SECT. AUG 2 3 1967